

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 67.58 NET (67.65 GROSS) ACRES, AND TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 22.01 NET (22.18 GROSS) ACRES, FOR PROPERTIES LOCATED AT 478 AND 480 SQUIRES ROAD. (BALL HOMES, INC.; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on January 26, 2017 a petition for a zoning ordinance map amendment for property located at 478 and 480 Squires Road from an Agricultural-Urban (A-U) zone to a Neighborhood Residential (R-3) zone for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-1; and

WHEREAS, this Council held a Public Hearing beginning on April 18 and continuing to April 19, 2017 and adopted the recommendation of the Planning Commission with additional conditions; 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 478 and 480 Squires Road from an Agricultural-Urban (A-U) zone to a Neighborhood Residential (R-3) zone for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 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 restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following restriction is proposed for the subject property via conditional zoning:

- a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a fifty (50) foot landscape buffer area established from the zone change boundary. Within the buffer area:

- (1) All structures, including accessory structures, fences and play structures shall be prohibited;
- (2) Existing trees with a 1 and 1/2" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
- (3) All other trees may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

b. The total number of dwelling units within the zone change area shall be limited to four hundred and fifty (450).

These restrictions are appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir, to address traffic concerns based on the traffic impact studies and to more fully implement the principles of the 2013 Comprehensive 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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