

ORDINANCE NO. _____ - 2021

AN ORDINANCE CHANGING THE ZONE FROM AN INTERCHANGE SERVICE BUSINESS ZONE (B-5P) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 2.47 NET (3.5 GROSS) ACRES, FOR PROPERTY LOCATED AT 2275 NORTH BROADWAY. (NORTH BROADWAY, LLC; COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on October 28, 2021, a petition for a zoning ordinance map amendment for property located at 2275 North Broadway for 2.47 net (3.5 gross) acres from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone 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 2275 North Broadway for 2.47 net (3.5 gross) acres from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone, 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 and buffering restrictions shall apply via conditional zoning:

- a. There shall be no exterior lighting greater than twelve (12) feet in height and all lighting be shielded and directed downward within forty (40) feet of residential zoning.
- b. Inventory of vehicles for sale, display, and repair shall be limited to a total twenty (20) vehicles on the subject property.
- c. The following uses shall be prohibited:
 - i. Drive-through facilities.
 - ii. Pawnshops.
 - iii. Billboards.
 - iv. Retail sale and dispensing of fuel.
 - v. All underground tanks for the storage of liquid or gas fuel.

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the neighboring lower intensity uses, while also restricting the highest nuisance producing uses in the zone and protecting the environmentally sensitive area.

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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