

AN ORDINANCE CREATING A NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE FOR 113.87± NET (150.90± GROSS) ACRES, TO PRESERVE EXISTING NEIGHBORHOOD CHARACTER FOR PROPERTIES LOCATED AT 200-368 BOILING SPRINGS DRIVE; 207-291 BURKE ROAD; 1443-1602 NORTH FORBES ROAD; 216-352 GLENDALE AVENUE; 212-353, 357 & 361 HILLSBORO AVENUE; 212-329 LARCH LANE; 1519-1649 OLD LEESTOWN ROAD (ODD ADDRESSES ONLY); 310-331 LEONA DRIVE; 1456-1650 MEADOWTHORPE AVENUE; 1541 & 1545 PENROD DRIVE; 215-267 PEPPER DRIVE; 209-340 TAYLOR DRIVE; AND 1442-1509 TOWNLEY DRIVE (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, at a Public Hearing held on February 23, 2012, a petition for a zoning ordinance map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 North Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change; 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, to add a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 North Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-

340 Taylor Drive; and 1442-1509 Townley Drive; 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 are proposed for the subject property via conditional zoning:

Design Standards

1. Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)
 - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. Floor Area Ratio (applicable to single-family detached and duplexes)
 - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. Building Heights (applicable to single-family detached and duplexes)
 - a. Maximum of 30 feet to highest ridge.
4. Rear Yard Setbacks (applicable to single-family detached and duplexes)
 - a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. Accessory Structures (applicable to single-family detached, duplexes and multi-family)
 - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height

for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.

6. Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)
 - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).

7. Parking

Parking for Multi-Family Dwellings: No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.

Parking for Single-Family Detached and Duplexes: No driveways or parking areas directly between the front façade of the primary structure and the street unless it is a driveway directly in front of an attached garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

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 passage.

PASSED URBAN COUNTY COUNCIL: April 26, 2012

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 3, 2012 - 1T

LEGAL DESCRIPTION

MEADOWTHORPE NEIGHBORHOOD NEIGHBORHOOD DESIGN CHARACTER (ND-1) OVERLAY ZONE

200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive.

Beginning at a point in the centerline of Leestown Road and the extension of 209 Taylor Drive (Lot 1, Block A of Section 1 of the Meadowthorpe Subd.), BEING THE POINT OF BEGINNING;

Thence N 23° 20' E for a distance of 1,250 feet, more or less, along the rear property lines of Lots 1-17, Block A of Section 1 of the Meadowthorpe Subd.;

Thence N 23° 36' E for a distance of 430 feet, more or less, along the rear property lines of Lots 18-23, Block A of Section 2, Unit A of the Meadowthorpe Subd., and continuing in the same direction crossing the right-of-way of North Forbes Road for a distance of 60 feet;

Thence N 23° 36' E for a distance of 330 feet, more or less, along the rear property lines of Lots 1-25, Block H of Section 2, Unit B of the Meadowthorpe Subd.;

Thence N 23° 41' E for a distance of 7 feet, more or less, along the rear property line of Lot 6, Block H of Section 4, Unit 2 (333 Taylor Drive) of the Meadowthorpe Subd.;

Thence N 66° 17' E along a curve with a length of 220 feet, more or less, along the northernmost side property line of Lot 6, Block H of Section 4, Unit 2 (333 Taylor Drive) of the Meadowthorpe Subd., then extended another 45 feet, more or less, to a point being the intersection of the centerlines of Penrod Drive and Taylor Drive;

Thence in a northeasterly direction along the curve and centerline of Penrod Drive for a distance of 820 feet, more or less, to the centerline of Hillsboro Avenue extended;

Thence S 23° 20' W for a distance of 220 feet, more or less, following the centerline of Hillsboro Avenue;

Thence S 66° 40' E for a distance of 180 feet, more or less, along the southern property line of 356 Hillsboro Avenue (a consolidated parcel of Lots 25, 26 & 52 of Section 4, Unit 2, Block K and Lots 27 & 53 of Section 4, Unit 2, Block K of the Meadowthorpe Subd.);

Thence S 23° 20' W for a distance of 10 feet, more or less, along the southern property line of 356 Hillsboro Avenue;

Thence S 66° 40' E for a distance of 180 feet, more or less, along the southern property line of 356 Hillsboro Avenue to a point in the centerline of Boiling Springs Drive;

Thence N 23° 20' E for a distance of 325 feet, more or less, following the centerline of Boiling Springs Drive to a point being the intersection of the centerline of Boiling Springs Drive with the northernmost property line of 368 Boling Springs Drive entended (Lot 1, Block Z, of Section 4, Unit 2 of the Meadowthorpe Subd.);

Thence N 83° 04' E for a distance of 300 feet, more or less, along the northernmost property lines of Lots 1,3 & 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd. to a steel post marking the northeastern corner of Lot 4;

Thence S 6° 16' E for a distance of 76 feet, more or less, along the easternmost, side property line of Lot 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd.;

Thence S 6° 21' E for a distance of 159 feet, more or less, continuing along the easternmost, side property line of Lot 4, Block Z of Section 4, Unit 2 of the Meadowthorpe Subd.;

Thence in a southeasterly direction for a distance of 28 feet, more or less, to the centerline of Penrod Drive;

Thence N 66° 54' W for a distance of 235 feet, more or less, following the centerline of Penrod Drive to a point being the intersection of the centerline of Penrod Drive with the easternmost property line of 360 Boling Springs Drive entended (Lot 15, Block L, of Section 4, Unit 1 of the Meadowthorpe Subd.);

Thence S 23° 20' W for a distance of 300 feet, more or less, along the rear property lines of Lots 12-15, Block L of Section 4, Unit 1 of the Meadowthorpe Subd., and continuing for a distance of 360 feet, more or less, along the rear property lines of Lots 6-11, Block L of Section 2, Unit B of the Meadowthorpe Subd. for a total of 660 feet, more or less;

Thence in a southeasterly direction for a distance of 210 feet, more or less, along the northernmost, side property line of Lot 35, Block L of Unit 3 and continuing

across the Larch Lane right-of-way to the northeasternmost point of the Larch Lane right-of-way;

Thence S 23° 20' W for a distance of 35 feet, more or less, along the front property line of 330 Larch Lane;

Thence N 62° 05' E for a distance of 33 feet, more or less, along the northwesternmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence S 50° 31' E for a distance of 86 feet, more or less, continuing along the northernmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence S 46° 51' E for a distance of 18 feet, more or less continuing along the northernmost, side property line of Lot 1 of Unit 5 of the Meadowthorpe Subd.;

Thence along the rear property lines of Lots 1-5, Block R of Unit 5 of the Meadowthorpe Subd. for the following bearings and distances: S 23° 20' W for a distance of 88 feet, more or less; S 02° 47' E for a distance of 85 feet, more or less; S 23° 20' W for a distance of 198 feet, more or less;

Thence S 47° 40' E for a distance of 108 feet, more or less, along the northernmost rear property line of Lots 7 & 8 of Unit 5 of the Meadowthorpe Subd.;

Thence S 28° 18' W for a distance of 155 feet, more or less, along the easternmost side property line of Lot 8 of Unit 5 of the Meadowthorpe Subd. (1507 North Forbes Road);

Thence S 47° 40' E for a distance of 79 feet, more or less, along the northernmost edge of the North Forbes Road right-of-way;

Thence N 35° 10' E for a distance of 22 feet, more or less, along the westernmost side property line of Lot 50, Block R of Unit 3 of the Meadowthorpe Subd. (1501 North Forbes Road);

Thence N 83° 47' E for a distance of 526 feet, more or less, along the northernmost, rear property lines of Lots 47-50, Block R of Unit 3 of the Meadowthorpe Subd., continuing across the right-of-way of Townley Drive and the side property line of Lot 46 of the same subdivision;

Thence S 6° 10' E for a distance of 1,510 feet, more or less, along the rear property lines of Lots 29-46, Block R of Unit 3 of the Meadowthorpe Subd.;

Thence S 83° 50' W for a distance of 470 feet, more or less, along the southernmost side property lines of Lots 29, 28 and 1, Block R of Unit 3 of the

Meadowthorpe Subd., including crossing the Townley Drive right-of-way and the North Forbes Road right-of-way;

Thence S 83° 49' 02" W for a distance of 386 feet, more or less, along the rear property lines of Lot 1A -7, Block Q of Unit 3 of the Meadowthorpe Subd.;

Thence N 48° 12' 01" W for a distance of 290 feet, more or less, along the side property lines of Lot 1A , Block Q of Unit 3 of the Meadowthorpe Subd. and continuing to a point being the intersection of the centerlines of Burke Road and Meadowthorpe Avenue;

Thence in a southwesterly direction for a distance of 380 feet, more or less, along the centerline of Burke Road to it's intersection with the centerline of Leestown Road;

Thence in a northwesterly direction for a distance of 1,950 feet, more or less, along the centerline of Leestown Road, to THE POINT OF BEGINNING, containing a gross area of 150.90 acres, more or less, and a net area of 113.87 acres, more or less.

Note: This legal description was prepared based upon final record plats for the Meadowthorpe Subdivision, including Section 1; Section 2, Units A, B, and C; Section (Unit) 3; Section 4, Units 1 and 2; and Section (Unit) 5.

Applicant: LEXINGTON-FAYETTE URBAN COUNTY PLANNING COMMISSION

Proposed Zone: Neighborhood Design Character (ND-1) Overlay Zone

Acreage: 113.87+ Net (150.9+ Gross) Acres

Addresses of Property;
200-368 Boiling Springs Drive, 207-291 Burke Road, 1443-1602 N. Forbes Road, 216-352 Glendale Avenue,
212-353, 357 & 361 Hillsboro Avenue, 212-329 Larch Lane, 1519-1649 Old Leestown Road (Odd address only),
310-331 Leona Drive, 1456-1650 Meadowthorpe Avenue, 1541 & 1545 Penrod Drive, 215-267 Pepper Drive,
209-340 Taylor Drive and 1442-1509 Townley Drive

