

ORDINANCE NO. 134-89

AN ORDINANCE DECLARING OLD FRANKFORT PIKE A SCENIC CORRIDOR; REQUIRING THAT BEFORE ANY BUILDING PERMIT FOR A NEW STRUCTURE OR EXPANSION OF AN EXISTING STRUCTURE BY MORE THAN TWENTY-FIVE PERCENT (25%) IN FLOOR AREA SHALL BE ISSUED FOR PROPERTY ABUTTING OLD FRANKFORT PIKE BETWEEN NEW CIRCLE ROAD AND THE OUTERMOST BOUNDARY OF THE URBAN SERVICES AREA, LANDSCAPING IN ACCORDANCE WITH VARIOUS REQUIREMENTS DEPENDING UPON THE ZONING OF THE PROPERTY BE INCLUDED AS PART OF THE PLAN; AND REQUIRING THAT WHENEVER ISSUANCE OF A BUILDING PERMIT REQUIRES PRIOR APPROVAL OF A DEVELOPMENT PLAN OR SUBDIVISION PLAT, THAT THE REQUIREMENTS OF THIS ORDINANCE BE INCLUDED ON SUCH DEVELOPMENT PLAN OR SUBDIVISION PLAT.

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WHEREAS, Old Frankfort Pike is a major corridor of Fayette County, unique in character and famous for its thoroughbred horse farms, historic houses, barns, fences and other structures, as well as for the beauty of its rural landscape; and

WHEREAS, many tourists are attracted to Fayette County by the unique rural beauty of the Old Frankfort Pike area in general and by the thoroughbred horse industry in particular; and

WHEREAS, notwithstanding the unique rural character of Old Frankfort Pike and the predominance of horse farms located there, it is recognized that development of that portion of Old Frankfort Pike located between New Circle Road and the outermost boundary of the Urban Services Area of Fayette County may occur; and

WHEREAS, it is the desire and intent of this Council that the portion of Old Frankfort Pike located between New Circle Road and the outermost boundary of the Urban Services Area of Fayette County be a corridor where urban development blends with the horse farms and rural uses predominant along the remainder of Old Frankfort Pike to create a gradual transition from urban to rural life; and

WHEREAS, a Corridors Committee consisting of Council members, professional planners, traffic engineers, landscape architects and other concerned citizens has studied ways to achieve the goals of this Council as regards Old Frankfort Pike and made recommendations to the Council concerning same; and

WHEREAS, the Council has studied those recommendations and concluded that in order to enhance, protect and beautify the Old Frankfort Pike corridor, as well as to attract tourists to the

area, a landscape plan which visually identifies the unique quality of the corridor should be adopted for that portion of Old Frankfort Pike within the Urban Services Area of Fayette County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That all of that portion of Old Frankfort Pike located within Fayette County is hereby declared a scenic corridor of Fayette County having unique historic and aesthetic significance worthy of enhancement, preservation and protection.

Section 2 - That no building permit for a new structure or expansion of an existing structure by more than twenty-five percent (25%) in floor area shall be issued for any structure on property abutting either side of that portion of Old Frankfort Pike located between New Circle Road and the outermost boundary of the Urban Services Area of Fayette County, unless the plans submitted to the Division of Building Inspection with the application for such permit include landscaping in accordance with the following requirements:

A. Whenever any industrial zone adjoins Old Frankfort Pike, a 20 foot wide landscape buffer shall be installed immediately adjacent to and parallel with the Old Frankfort Pike right-of-way. The landscape easement shall contain a 15 foot wide, 2.5 foot high grassy berm, which is not less than 50 feet nor more than 100 feet in length and planted with evergreen trees (from List A), 15 feet on center in a staggered configuration, alternating with a row not less than 100 feet long nor more than 250 feet long of large deciduous trees (from List A) at 45 feet on center, with one small deciduous flowering tree (List C) between each large tree. To the extent that there are viable, existing trees within the buffer area, those trees may be counted toward satisfaction of the planting requirement contained herein. Berms should be spaced so as to screen undesirable elements such as parking areas and storage yards and frame positive elements of the proposed development such as natural scenic

views or focal points of architecture. Whenever the property frontage is insufficient to meet these requirements, then berming and evergreens shall be alternated in a manner deemed sufficient by the landscape examiner of the Division of Building Inspection to adequately screen the property.

- B. Whenever any residential or business zone abuts Old Frankfort Pike, the street tree requirements of Article 6-9 of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government shall apply.
- C. A landscape plan illustrating fulfillment of these requirements shall be submitted and approved by the Division of Building Inspection prior to the issuance of any building permit. Whenever issuance of a building permit requires prior approval of a development plan or subdivision plat by the Lexington-Fayette Urban County Planning Commission, the requirements of this Ordinance shall be included on such development plan or subdivision plat.
- D. The requirements of this Section 2 are in addition to all other applicable requirements of Article 18 of the Zoning Ordinance of the Lexington-Fayette Urban County Government.

Section 3 - That whenever this Ordinance is in conflict with other local ordinances, regulations or laws, the more restrictive ordinance, regulation or law shall govern and shall be enforced by appropriate officers and employees of this Government or its agencies.

Section 4 - That the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by judgment or decree of a court of competent jurisdiction, said invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5 - That the preamble to this Ordinance be and hereby is incorporated by reference.

Section 6 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 6, 1989

Scotty Baeske  
MAYOR

ATTEST:

Ann Salles  
Clerk of Urban County Council

PUBLISHED: July 12, 1989 - 1t

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