

AN ORDINANCE ADDING A NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE FOR 134.50± NET (171.77± GROSS) ACRES, TO PRESERVE EXISTING NEIGHBORHOOD CHARACTER FOR PROPERTIES LOCATED AT 310-395 ANDOVER DRIVE; 201-299 CASSIDY AVENUE (ODD ADDRESSES ONLY); 300-356 CASSIDY AVENUE; 125-250 CHENAULT ROAD; 309-539 CHINOE ROAD; 180-346 COCHRAN ROAD; 401-435 COCHRAN ROAD (ODD ADDRESSES ONLY); 1394-1506 COCHRAN ROAD; 300-377 COLONY BOULEVARD; 951-1245 COOPER DRIVE (ODD ADDRESSES ONLY); 323-325 CROSS LANE; 305-436 DUDLEY ROAD; 300-335 DUKE ROAD; 340-360 DUKE ROAD (EVEN ADDRESSES ONLY); 131-191 EASTOVER DRIVE; 300-372 GARDEN ROAD; 201-505 HART ROAD; 101-194 LOUISIANA AVENUE; 100-165 OLD CASSIDY AVENUE; 998-1144 PROVIDENCE LANE (EVEN ADDRESSES ONLY); 1200-1237 PROVIDENCE LANE; 303-440 RIDGEWAY ROAD; 300-315 AND 340 ROMANY ROAD; 901-1015 TATES CREEK ROAD (ODD ADDRESSES ONLY); AND 1405-1491 TATES CREEK ROAD (ODD ADDRESSES ONLY)(URBAN COUNTY PLANNING COMMISSION).

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WHEREAS, at a Public Hearing held on August 28, 2008, and September 25, 2008, a petition for a zoning ordinance map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 134.50± net (171.77± gross) acres for property located at 310-395 Andover Drive; 201-299 Cassidy Avenue (odd addresses only); 300-356 Cassidy Avenue; 125-250 Chenault Road; 309-539 Chinoe Road; 180-346 Cochran Road; 401-435 Cochran Road (odd addresses only); 1394-1506 Cochran Road; 300-377 Colony Boulevard; 951-1245 Cooper Drive (odd addresses only); 323-325 Cross Lane; 305-436 Dudley Road; 300-335 Duke Road; 340-360 Duke Road (even addresses only); 131-191 Eastover Drive; 300-372 Garden Road; 201-505 Hart Road; 101-194 Louisiana Avenue; 100-165 Old Cassidy Avenue; 998-1144 Providence Lane (even addresses only); 1200-1237 Providence Lane; 303-440 Ridgeway Road; 300-315 and 340 Romany Road; 901-1015 Tates Creek Road (odd addresses only); and 1405-1491 Tates Creek Road (odd addresses only), 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 134.50± net (171.77± gross) acres for property located at 310-395 Andover Drive; 201-299 Cassidy Avenue (odd addresses only); 300-356 Cassidy Avenue; 125-250 Chenault Road; 309-539 Chinoe Road; 180-346 Cochran Road; 401-435 Cochran Road (odd addresses only); 1394-1506 Cochran Road; 300-377 Colony Boulevard; 951-1245 Cooper Drive (odd addresses only); 323-325 Cross Lane; 305-436 Dudley Road; 300-335 Duke Road; 340-360 Duke Road (even addresses only); 131-191 Eastover Drive; 300-372 Garden Road; 201-505 Hart Road; 101-194 Louisiana Avenue; 100-165 Old Cassidy Avenue; 998-1144 Providence Lane (even addresses only); 1200-1237 Providence Lane; 303-440 Ridgeway Road; 300-315 and 340 Romany Road; 901-1015 Tates Creek Road (odd addresses only); and 1405-1491 Tates Creek Road (odd addresses only); 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 subject property shall be subject to the following use restrictions:

Unless otherwise noted, the proposed standards shall only apply to single-family detached residential dwellings.

1. Rear Yard Setbacks:
  - A. Measured 70' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. Applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road.
  - B. Measured 80' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. This applies to all properties on Andover Drive, Garden Road, and Tates Creek Road.
2. Building Heights: Maximum of 30' to highest ridge and maximum eave height (aka gutter line) at 2<sup>nd</sup> floor ceiling line including dormers. (Excludes new additions which may exceed 30' in order to match existing ridge lines, eave height measured at top of fascia board)
3. Roof Pitch: Minimum 7:12 slope for Gabled Primary Roofs (Excludes dormers, single story flat roofs, roofs built to match existing roof pitches, and for allowable projections per Article 15-5 of the Zoning Ordinance)
4. Wall Openings: Minimum of 10% of the wall plane on each

elevation of new construction is to be windows, doors and/or vented openings; however, no openings shall be required if Building Code requires Fire Ratings. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers)

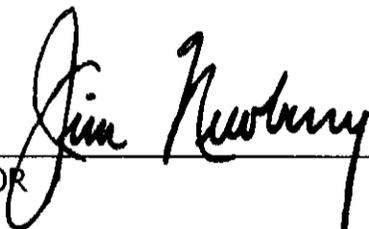
5. Parking for Single-Family Attached and Multi-Family Dwellings: No parking in front of the front building plane of the principal structure on the lot. Garage doors shall not face the front building line. (Excludes detached garages)
6. Accessory Structures: Maximum footprint of 800 square feet for all accessory structures per lot. Maximum 22' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50 percent of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures)

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Chevy Chase Neighborhood, and are important to maintain that existing character in the future. In accordance with Section 6-7(c)(2) of the Zoning Ordinance, these restrictions can be modified, removed, or amended by the Planning Commission with no Council action required.

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 January 1, 2009.

PASSED URBAN COUNTY COUNCIL: November 6, 2008

MAYOR 

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: November 13, 2008-1t