

ORDINANCE NO. 5-2011

AN ORDINANCE ADDING A NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE FOR 53.7± NET (67.5± GROSS) ACRES, TO PRESERVE EXISTING NEIGHBORHOOD CHARACTER FOR PROPERTIES LOCATED AT 601-821 COOPER DRIVE; 1212-1251 ELDEMERE ROAD; 1203-1304 KASTLE ROAD; 600-818 MONTCLAIR DRIVE; 1213-1283 SCOVILLE ROAD; 1200-1252 SUMMIT DRIVE; AND 1500-1600 TATES CREEK ROAD (EVEN ADDRESSES ONLY)(URBAN COUNTY PLANNING COMMISSION).

WHEREAS, at a Public Hearing held on October 28, 2010, a petition for a zoning ordinance map amendment to add a Neighborhood Design Character Overlay (ND-1) zone for 53.7± net (67.5± gross) acres for property located at 601-821 Cooper Drive; 1212-1251 Eldemere Road; 1203-1304 Kastle Road; 600-818 Montclair Drive; 1213-1283 Scoville Road; 1200-1252 Summit Drive; and 1500-1600 Tates Creek Road (even 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 53.7± net (67.5± gross) acres for property located at 601-821 Cooper Drive; 1212-1251 Eldemere Road; 1203-1304 Kastle Road; 600-818 Montclair Drive; 1213-1283 Scoville Road; 1200-1252 Summit Drive; and 1500-1600 Tates Creek Road (even 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 following use restrictions are proposed for the subject property via conditional zoning:

Alternative Design Standards

1. Exterior Siding Materials

- a. Allowable exterior siding finish building materials are brick, stone, cementitious fiberboard siding, natural wood, or the same material as 90% of the existing structure (excludes windows and doors and their respective frames). All other materials are prohibited.

2. Roof Lines and Shape

- a. Roof Pitch: Minimum 7:12 slope for Gabled Primary Roofs (excludes roofs built to match existing roof pitches, and allowable projections per Article 15-5 of the Zoning Ordinance) for principal and accessory structures.

3. Landscaping Requirements

- a. No front yard fences or walls allowed, except for properties facing Cooper Drive and Tates Creek Road. Permitted fences may be up to 4 feet in height and a minimum of 2 feet from the sidewalk, parallel to the public right-of-way.
- b. Allowable wall/fence materials include, but are not limited to: brick; stone; wood and iron. Chain link fences are prohibited.

4. Minimum Window/Door Openings

- a. Minimum of 10 percent (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 wall dormers). Calculation of gross wall plane shall exclude projected chimneys and sidewall dormers.
- b. No exterior accessory steps or stairs are allowable to doors or windows above the ground floor.

5. Front Building Features

- a. Main entry door must face a public street.

6. Garages & Accessory Structures

- a. Garages must be set back a minimum of 10 feet from the front building plane.
- b. Maximum building footprint of 800 square feet for all accessory structures per lot. Maximum 22-foot height to roof ridge, maximum 12-foot height to eave (aka gutter line) (roof height to be measured from the average grade elevation of the entry side of the structure). No exterior stairs shall be permitted above the ground floor. 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).

7. Lot Widths

- a. The minimum width on all lots for Summit Drive, Eldemere Road and Tates Creek Road is 70 feet, as measured at the building line.
- b. The maximum width on all lots for Summit Drive, Eldemere Road and Tates Creek Road is 100 feet, as measured at the building line (except corner lots).

8. Building Height

- a. Maximum of 30 feet or 35 feet to highest ridge line depending on property location. Properties on Kastle, Scoville, Cooper (601-663, 702 & 714), Montclair (600-666 & 705) are at a 30-foot height limit, while all properties east on Summit, Eldemere, Tates Creek, Cooper (705-821, excluding 702 & 714), and Montclair (700-818, excluding 705) are at a 35-foot height limit. (New additions may exceed 30 feet or 35 feet, depending on height zone, in order to match existing ridge line; provided they do not exceed 30 feet or 35 feet at the mid-gable, depending on height zone.) Under no conditions shall provisions listed in #8 Building Height be understood to override provisions of #2 Roof Lines and Shape.
- b. Additions may not exceed the height of the principal structure.

9. Building Setbacks

- a. The minimum and maximum front setbacks for each street are (excludes allowable projections per Article 15-5 of the Zoning Ordinance):
 - i. Montclair Road 30 – 35 feet
 - ii. Cooper Drive 30 – 40 feet
 - iii. Scoville Road 35 – 45 feet
 - iv. Kastle Road 35 – 45 feet
 - v. Summit Drive 40 – 50 feet
 - vi. Eldemere Road 45 – 55 feet
 - vii. Tates Creek Road 60 – 70 feet

10. Rear Yard Building Setbacks

- a. Maximum building dimension of the principal structure from the front building plane is 55 feet(excludes allowable projections per Article 15-5 of the Zoning Ordinance).

11. Off-street Parking Design

- a. Front yard parking is prohibited except for Tates Creek Road and Cooper Drive. Allowable front yard parking on these streets must not exceed 120 square feet in area.

- b. All driveways may be a maximum of 10 feet wide up to the front building plane, except circular driveways, which can be a maximum of 12 feet (circular driveways and turnarounds must have foliage of a minimum 3-foot height planted on the street side of the driveway to shield the pavement from street view).

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Neighbors of Montclair, 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: January 25, 2011

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: February 3, 2011-1t

LEGAL DESCRIPTION

**MONTCLAIR NEIGHBORHOOD
NEIGHBORHOOD DESIGN CHARACTER (ND-1) OVERLAY ZONE**

601-821 Cooper Drive; 1212-1251 Eldemere Road; 1203-1304 Kastle Road;
600-818 Montclair Drive; 1213-1283 Scoville Road; 1200-1252 Summit Drive;
and 1500-1600 Tates Creek Road (even addresses only)

Beginning at a point at the intersection of Tates Creek Road and Cooper Drive,
said point being in the centerline of the streets, BEING THE POINT OF
BEGINNING;

Thence in a northwestern direction 225 feet, more or less, along the centerline of
Cooper Drive, to a point in the centerline of Cooper Drive;

Thence N 29° 15' E for a distance of 200 feet, more or less, along the
easternmost side property line of 821 Cooper Drive to the northeasternmost rear
property corner of 821 Cooper Drive (Lot 3, Block A of the Montclair Subdivision);

Thence N 56° 04' W for a distance of 1,900 feet more or less, along the rear
property lines of 601-821 Cooper Drive (Lots 3-6 of Block A, Lots 1-15 of Block F,
and Lots 1-12 of Block J of the Montclair Subdivision), to the northernmost rear
property corner of 601 Cooper Drive (Lot 12, Block J of the Montclair
Subdivision);

Thence S 31° 56' W for a distance of 1,515 feet, more or less, along the shared
property line with the University of Kentucky (formerly part of the Experiment
Station Farm) and the westernmost side property lines of 601 (Lot 12, Block
J) and 614 Cooper Drive (a portion of Lots 1-3, Block K of the Montclair
Subdivision), continuing along the rear property lines of 1221-1283 Scoville Road
(Lots 4-20, Block K of the Montclair Subdivision), and continuing along the
westernmost side property line of 600 Montclair Drive (Lot 18, Block L of the
Montclair Subdivision), to the westernmost rear property corner of 600 Montclair
Drive;

Thence S 61° 35' E for a distance of 1,315 feet, more or less, along the rear
property lines of 600-730 Montclair Drive (Lots 1-18 of Block L, and Lots 5-8 of
Block D of the Montclair Subdivision) to the southernmost rear corner of 730
Montclair Drive (Lot 5, Block D of the Montclair Subdivision);

Thence in a northeasterly direction for a distance of 66 feet, more or less, along
the eastern side property line of 730 Montclair Drive to a point;

Thence S 64° 24' E for a distance of 885 feet, more or less, along the rear
property line of 742-818 Montclair Drive (Lots 1-4 of Block D, and Lots 2-3 of

Block C of the Montclair Subdivision), continuing along the side property line of 1600 Tates Creek Road (Lot 1, Block C of the Montclair Subdivision), and continuing to a point in the centerline of Tates Creek Road;

Thence in a northeasterly direction for a distance of 1,050 feet, more or less, along the centerline of Tates Creek Road, to the intersection of the centerlines of Cooper Drive and Tates Creek Road, BEING THE POINT OF BEGINNING, containing a gross area of 67.5 acres, more or less, and a net area of 53.7 acres, more or less.

Note: This legal description was prepared based upon final record plats for the Montclair Subdivision, including Unit 1 (Plat Cabinet E, Slides 410 and 411), Unit 3 (Plat Cabinet E, Slide 480) and Unit 4 (Plat Cabinet E, Slide 519).