

AN ORDINANCE AMENDING ARTICLES 6-4(b) AND 7-5(a), (b), (c) AND (d) OF THE ZONING ORDINANCE TO INCLUDE THE NOTIFICATION OF BOTH OWNERS AND OCCUPANTS OF PROPERTIES WITHIN THE DESIGNATED NOTIFICATION AREA FOR PUBLIC HEARINGS. (PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Articles 6-4(b) and 7-5(a), (b), (c) and (d) of the Zoning Ordinance to include the notification of both owners and occupants of Properties within the designate notification area for public hearings; and

WHEREAS, the Planning Commission has considered a text amendment to Articles 6-4(b) and 7-5(a), (b), (c) and (d) of the Zoning Ordinance to include the notification of both owners and occupants of Properties within the designate notification area for public hearings. The Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 8-0; 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 by reference herein.

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

Section 1 – That Article 6-4(b), of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Sec. 6-4(b) – NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION – Before voting upon any proposed text amendment, zone map amendment, or binding condition or restriction amendment, notice of the time, place and reason for holding a public hearing shall be given by one (1) publication in the newspaper of highest circulation in Fayette County, Kentucky, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. In addition, for any map amendment, or binding condition or restriction amendment, notice of the public hearing shall be posted on the subject property for fourteen (14) consecutive days prior to the hearing, and notice shall be given by first-class letter at least twenty-one (21) days in advance to owners, and the property addresses, if the property is not the owner's primary mailing address, of all property addresses within a 500-foot radius of the subject property. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties and addresses within a 500-foot radius of the subject property, but to the next two (2) properties beyond those included in the 500-foot radius; but in no event shall notice be required for property more than twenty-four hundred (2,400) feet from the subject property for a zone change or variance request, or more than one (1) mile from the subject property for a conditional use request in conjunction with a zone change as allowed in Subsection (c) of this section. For any Council- or Commission-initiated map amendment, notice by first-class letter shall be given to all owners of property, and the property addresses, if the property is not the owner's primary mailing address, the classification of which is proposed to be changed, at least thirty (30) days prior to the public hearing.

Section 2 – That Article 7-5(a), b), (c) and (d) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Sec. 7-5-NOTICE

(a) The Board shall fix a reasonable time for hearing an action or appeal and shall give public notice in accordance with KRS Chapter 424, as well as written notice as set forth more fully herein. Any person may appear at the hearing personally or by attorney. All applications shall be decided by the Board within sixty (60) days from the date of the application, unless postponement is granted pursuant to the Board's by-laws.

(b) When an application is made for a variance, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to the owner, and the property addresses, if the property is not the owner's primary mailing address, of every parcel of property and property address within two hundred (200) feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties and addresses within a 200-foot radius of the subject property, but to the next two (2) properties beyond those included in the 200-foot radius; but in no event shall notice be required for property more than twenty-four hundred (2,400) feet from the subject property.

(c) When an application is made for a conditional use permit, administrative review, non-conforming use or structure appeal, or any other appeal, written notice shall be given at least twenty-one (21) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to owners, and the property addresses, if the property is not the owner's primary mailing address, of parcels of property and addresses within five hundred (500) feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties and addresses within a 500-foot radius of the subject property, but to the next two (2) properties beyond those included in the 500-foot radius; but in no event shall notice be required for property more than one (1) mile from the subject property. Notification shall also be given by first-class mail to any neighborhood or homeowner's association within the 500-foot radius of the subject property. Such association must be duly registered with the government through the Division of Planning and the Office of Geographic Information Systems (GIS). In addition, for any conditional use permit, notice of the public hearing shall be posted on the subject property for fourteen (14) consecutive days prior to the hearing.

(d) All written notice shall be by first-class mail, with certification by the Board's Secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board the address of each parcel of property, the name and address of an owner of each parcel of property as described in this section, the property addresses, where the property is not the owner's primary mailing address, and of any neighborhood or homeowner's association located within the required notice area. Records maintained by the Property Valuation Administrator may be relied upon to determine a list of those addresses. In the event such property is in condominium or cooperative forms of ownership, the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners shall also be notified.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council

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