

ORDINANCE NO. _____-2012

AN ORDINANCE AMENDING ARTICLE 6 OF THE ZONING ORDINANCE TO INCREASE THE NOTIFICATION REQUIREMENTS FOR A ZONE MAP AMENDMENT REQUEST (AKA ZONE CHANGE APPLICATION) FOR PROPERTIES A DISTANCE OF 500 FEET FROM THE SUBJECT PROPERTY.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 6 of the Zoning Ordinance to increase the notification requirements for a zone map amendment request (aka zone change application) for properties a distance of 500 feet from the subject property; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on September 27, 2012; and

WHEREAS, the Planning Commission did recommend APPROVAL of the staff alternative text amendment by a vote of 7-3; 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 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 6: AMENDMENTS

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 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 of all property 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 within a 500 foot radius of the subject property, but to the next two 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 Article 6-4(c). For any Council- or Commission-initiated map amendment, notice by first-class letter shall be given to all owners of property, the classification of which is proposed to be changed, at least thirty (30) days prior to the public hearing.

Section 2 –That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council

Published:

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