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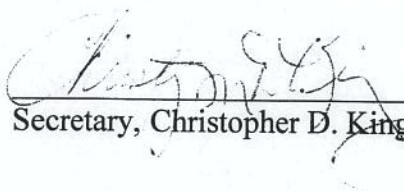
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 2013-7: ABATEMENT OF ZONING ORDINANCE VIOLATIONS – petition for a Zoning Ordinance text amendment to provide clarification about the government's ability to abate a violation of the Zoning Ordinance.

Having considered the above matter on **July 25, 2013**, at a Public Hearing and having voted **8-2** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. Expanded abatement authority is needed in order for Zoning Enforcement efforts to be more responsive in situations involving a continuing public nuisance. Without such authority, the only option frequently available is to proceed with some type of court action, such as filing a criminal complaint with the Fayette County Attorney's office, which is not considered an appropriate action in many instances.
2. Adequate safeguards have been included in the proposed amendment to ensure that abatement only proceeds in situations where a violation has been documented and confirmed through the legal process. Given the appeal options available with the issuance of both Notices of Violation and Civil Citations, which represent enforcement steps taken before abatement would proceed, the rights of business operators and property owners will be fully preserved.

ATTEST: This 15th day of August, 2013.



Secretary, Christopher D. King

MIKE OWENS
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Jim Marx, Senior Planner.**

OBJECTIONS _____

- NONE

OBJECTORS _____

- NONE

VOTES WERE AS FOLLOWS:

AYES: (8) Beatty, Berkley, Drake, Mundy, Owens, Penn, Plumlee and Wilson

NAYS: (2) Blanton, Cravens

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2013-7** carried.

Enclosures: Minutes of Planning Commission initiation
 Recommended Text
 Staff Report
 Applicable excerpts of minutes of above meeting

MIKE OWENS
 CHAIR

Secretary Christopher P. ...

At the Public Hearing before the Loudoun County Planning Commission, this petition was represented by ...

OBJECTOR

OBJECTOR

• NONE

• NONE