

Recd by BCM
Date: 8-11-17


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

IN RE: ZOTA 2017-5: AMENDMENTS RELATING TO CONDITIONAL USES, DEFINITIONS, AND CLARIFICATIONS – petition for a Zoning Ordinance text amendment to Articles 1, 3, 8, 9, 10, 12, 15, 16, 17, 22A & B, 23, and 24 of the Zoning Ordinance, to move several uses from the conditional use category to either the principal permitted or the accessory use category.

Having considered the above matter on July 27, 2017, at a Public Hearing and having voted 10-1 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of alternate text for this matter for the following reasons:

1. The proposed text amendment will have multiple benefits; e.g., it will adjust the Planning staff's workload so that more time can be spent on reviewing the more complex or problematic appeals and providing sound, defensible findings and conditions; it will help to provide better government service by not requiring applicants to go through a long, potentially arduous, cumbersome and/or expensive process; and it will reduce the number of applications to the Board of Adjustment by eliminating many conditional uses that are routinely approved by the Board. This, in turn, will allow the Board (or, in some instances, the Planning Commission) to focus on more difficult appeals that have the potential for adversely impacting surrounding properties.
2. Replacing the term "church" with "place of religious assembly" is a timely update to the Zoning Ordinance. The term "church" is generally associated with the Christian faith, whereas "place of religious assembly" indicates a more inclusive concept of the various world religions, many of which are present in Lexington due to the diversity of its population.
3. Adding a definition of "personal care home" to the Zoning Ordinance will help to clarify the difference and levels of care between an assisted living facility, a personal care facility and a nursing home. At least one personal care facility is located in Lexington and has been in existence since the 1950s. Because it is listed in the Zoning Ordinance as a conditional use, it is logical to provide a definition.

ATTEST: This 11th day of August, 2017.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Barbara Rackers, Administrative Officer, Division of Planning, Zoning Compliance Section.**

OBJECTIONS

OBJECTORS

- None

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Berkley, Brewer, Forester, Mundy, Owens, Penn, Plumlee, Richardson, and Wilson

NAYS: (1) Cravens

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for Approval of ZOTA 2017-5 carried.

Enclosures: Recommended Text
Application
Staff Report
Applicable excerpts of minutes of above meeting.