

12/06/2007

Ordinance

272-2007

ORDINANCE NO. 272 -2007

AN ORDINANCE AMENDING SECTION 26-1(6) OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES BY DELETING REFERENCE TO AUGUST 26, 1998 AND A MORATORIUM; AND AMENDING SECTION 26-1(7) BY DELETING REFERENCES TEN ACRE TRACTS.

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

Section 1 - That Section 26-1(6) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended as follows:

(6) "Conservation Easement Value" shall mean the value of a Conservation Easement on the parcel of land as determined by the difference between the unrestricted value of the tract and its value as restricted by a Conservation Easement.

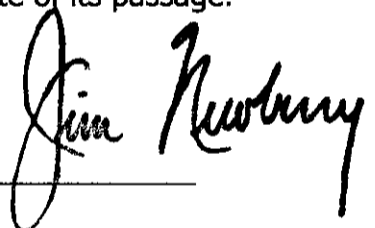
Section 2 - That Section 26-1(7) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended as follows:

(7) "Development Right" shall mean the right held by the property owner having title to a tract of real property to divide the tract into forty (40) acre tracts. Each such right held by the property owner to create a forty (40) acre tract shall create one (1) "Development Right" in favor of the property owner at the time of application pursuant to Section 26-9.

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

PASSED URBAN COUNTY COUNCIL: December 6, 2007

\_\_\_\_\_  
MAYOR



ATTEST:

  
\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: December 12, 2007-1t

**ADMINISTRATIVE REVIEW FORM****Request for Council Action**

For Instructions, See Reverse

627-07

**I. DIRECTORS AND / OR COMMISSIONERS**Summary of Action Requested: AMENDING PDR ORDINANCE TO REFLECT CHANGES IN THE APPRAISAL OF PDR CONSERVATION EASEMENTS.Budgetary Implications: ☐ Yes ☒ No Advance Document Review: ☒ Law ☐ Risk MgmtIf 'Yes', provide the following information. Prepare and attach B-102 if necessary **→ COMPLETE****FUNDING****ACCOUNT NUMBER****THIS FY IMPACT****ANNUAL IMPACT**☐ Fully budgeted☐ Partially budgeted☐ Not budgeted

L

\$

\$

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\$

Director's Signature

Date

Commissioner's Signature

Date

**II. LOGGED IN SENIOR ADVISOR OF MANAGEMENT**

Received By

Date

**III. ADMINISTRATIVE SERVICES REVIEW****Review By**

Initials / Date

Approve

Disapprove

Comments

Department of Law

Division of Budgeting

Schedule No. \_\_\_\_\_

B-102 No. \_\_\_\_\_

Acct. No. \_\_\_\_\_

L \_\_\_\_\_

Fiscal Year 2008Annual Impact \$ NA

Current Balance \$ \_\_\_\_\_

Division of Human Resources

Division of Community Development

Department of Finance

**IV. POST REVIEW ACTION TAKEN**☐ Forward to SAM ☐ Hold / Return to Commissioner or Director**V. SENIOR ADVISOR OF MANAGEMENT'S REVIEW**☒ New Business Item☒ Approve☐ Disapprove

Hold Until (Date) \_\_\_\_\_

☐ Mayor's Report Item☐ Approve☐ Disapprove

Hold Until (Date) \_\_\_\_\_

Senior Advisor of Management

Date

**VI. WORK SESSION ACTION TAKEN**☐ To Meeting Docket (Send to Law Dept)☐ Receive as Information Only

Refer to: \_\_\_\_\_

To Council

Committee

Other: \_\_\_\_\_

Council Administrator

Date



627-07

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
 Division of Purchase of Development Rights Program

November 5, 2007

**MEMORANDUM**

TO: Mayor Jim Newberry  
 Joseph Kelly - Senior Advisor for Management  
 Urban County Council

FR: Billy F. Van Pelt, RLA, ASLA – PDR Director

RE: PDR Ordinance

The purpose of this PDR Ordinance amendment is to change the definitions of 'Conservation Easement Value' and 'Development Right'.

'Conservation Easement Value'-The existing references to the unrestricted value 'as of August 26, 1998' and the moratorium on ten acre tracts were included based on the timing of the adoption of the original Ordinance.

'Development Right'-The existing references to the ability to subdivide a ten acre tract and that one ten acre tract represented a development right were based on the timing of the adoption of the original Ordinance.

When the Ordinance was adopted, the minimum lot size in the Rural Service Area had recently been increased to forty acres. Over the last seven years, the reference to the August 26, 1998 date and the reference to the ten acre development right have become obsolete when appraising the value of PDR conservation easements.

The proposed changes will bring the Ordinance up to date with the current Federal Farm and Ranch Lands Protection Program conservation easement appraisal requirements and those set forth by the Uniform Standards of Professional Appraisal Practice. Currently, the PDR conservation easement appraisals reflect the values set forth by the Ordinance and the proposed text. By updating the Ordinance, the PDR conservation easement appraisals would only have one valuation, as defined in the proposed attached text.

Attachment

C: File

**HORSE CAPITAL OF THE WORLD**

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