

ORDINANCE NO. 04-36

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF D & D TRANSPORT, INC. LOCATED AT 3715 LEXINGTON ROAD, APPROXIMATELY 3 +- ACRES, AND AUTHORIZING THE CHANGE ON THE OFFICIAL ZONING MAP OF MADISON COUNTY, KENTUCKY.**

**WHEREAS**, the hereinafter described land is located in Madison County, Kentucky and

**WHEREAS**, the Madison County Planning Commission held a public hearing on Tuesday, June 15, 2004, and heard and reviewed the following application for an amendment to the land use management map. In accordance with KRS 100.213, D & D Transport made a request that the property was zoned improperly by the County because the property was being used for General Commercial uses prior to the adoption of the County Zoning Regulations; the deed for this property restricts the property to be used only for commercial purposes; and the property has been developed for commercial purposes.

**WHEREAS**, the Madison County Planning Commission recommended to the Madison County Fiscal Court that the classification of the property involved herein be denied the change from UC-7 Agricultural to UC-4 General Commercial.

**WHEREAS**, the Madison County Fiscal Court voted to over-turn the decision of the Planning Commission and required the property be changed from UC-7 Agricultural to UC-4 General Commercial.

**NOW, THEREFORE BE IT ORDAINED AND ENACTED**, by Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from UC-7 Agricultural to UC-4 General Commercial.

**SECTION I**

A certain tract of parcel of land lying in Madison County, Kentucky, more particularly bounded and described as follows:

Lots 34 and 35, Clays Ferry Estates, a plat of which subdivision is recorded in Plat Book 2 at Page 171, Madison County Clerk's Office.

**SECTION II**

That the Director of Planning and Development make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

**SECTION III**

That the County Clerk causes this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

DATE OF FIRST READING: July 27, 2004

MOTION BY: Larry Combs

SECONDED BY: William Tudor

VOTE: YES NO

JUDGE EXECUTIVE KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE WILLIAM TUDOR ✓  
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: August 10, 2004

MOTION BY: Roger Barger

SECONDED BY: Larry Combs

VOTE: YES NO

JUDGE EXECUTIVE KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE WILLIAM TUDOR ✓  
MAGISTRATE BILLY RAY HUGHES ✓

Kent Clark  
MADISON COUNTY JUDGE EXECUTIVE

Attest:

William E. Galbraith  
MADISON COUNTY CLERK

## ZONE CHANGE MOTION TO APPROVE

I make the motion to **APPROVE** the land use change request from **UC-7 Agriculture to UC-4 General Commercial** and find that

1. That the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate because of the following;
  - a. The deed for the property restricts the property to be used only for commercial purposes.
  - b. The owners purchased and developed the property as a general commercial prior to the adoption of the zoning regulations.
  - c. Denial of the zone change prohibits the owners from a reasonable use of the land.
  
2. There have been major changes of an economic and physical nature within the area which have substantially altered the basic character of such area based upon the following reasons;
  - a. The Planning Commission and Fiscal Court approved the re-zoning of 14 acres directly across the road from Agriculture to General Commercial.

Need Ordinance



*Madison County Planning & Development*

Building Inspections      321 N. Madison Ave.      GIS Mapping  
Code Enforcement      Suite B      Floodplain Management  
Land-Use Regulations      Richmond, KY 40475      911 Addressing

TO: Kent Clark, Madison County Judge, Executive  
Madison County Fiscal Court

DATE: June 21, 2004

RE: Planning Commission Recommendation  
D & D Transport Property, 3715 Lexington Road, Richmond, KY

As a result of a public hearing held on June 15, 2004 at 6:00 pm in the Fiscal Court Room, the Madison County Planning Commission heard and reviewed the following application for an amendment to the Land Use Management Map.

D & D Transport Property, 3715 Lexington Road, Richmond, KY, proposed to change 3 acres +- from its original classification of UC-7 (Agricultural) to UC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was the property was zoned improperly by the County because;

- a) The property was being used for General Commercial uses prior to the adoption of the County Zoning Regulations;
- b) The deed for this property restricts the property to be used only for Commercial purposes;
- c) The property has been developed for commercial purposes.

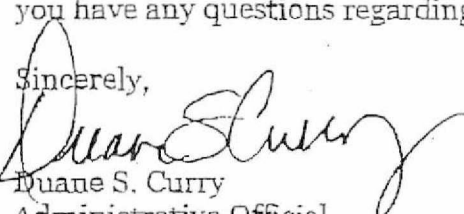
Therefore, the Madison County Planning Commission recommends the request for land use change be **Denied** :

Motion was made, seconded and approved to request to the Fiscal Court that the request to change the land use from UC-7 TO UC-4, for the above property, be **Denied** and have made it a finding of fact that;

To use the property for commercial purposes would not be compatible with the residential subdivision.

Copies of the actual minutes from the public hearing are available upon request. Should you have any questions regarding this request, please call this office.

Sincerely,

  
Duane S. Curry  
Administrative Official

**ORDER**

**AN ORDER OF MADISON COUNTY, KENTUCKY DENYING THE LAND USE CHANGE APPLICATION SUBMITTED BY D & D TRANSPORT, INC. TO THE MADISON COUNTY PLANNING COMMISSION ON JUNE 15, 2004**

**WHEREAS**, an application to change the land use classification from UC-7 to UC-4 was presented to the Planning commission on June 15, 2004 for the property located at 3715 Lexington Road and the Commission having recommended by majority vote that the change be denied.

**NOW, THEREFORE BE IT RESOLVED** by the Madison County Fiscal Court that the recommended denial of the land-use change requested by D & D Transport, Inc., at the Madison County Planning Commission be accepted, and the land use change application on the property located at 3715 Lexington Road, recorded on deed book 465 page number 506, be denied.

**DATE ADOPTED:**

**MOTION BY:**

**SECONDED BY:**

**VOTE:**

**YES**

**NO**

**County Judge Kent Clark  
Magistrate Larry Combs  
Magistrate Roger Barger  
Magistrate William Tudor  
Magistrate Billy Ray Hughes**

\_\_\_\_\_  
**Madison County Judge Executive**

**Attest:**

\_\_\_\_\_  
**Madison County Clerk**