

ORDINANCE NO. 04-43

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF TIMOTHY SHANE MOBERLY, AT 2933 HIGHWAY 1016 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, November 16, 2004, and heard and reviewed the following application for an amendment to the land use management map. In accordance with KRS 100.213, Timothy Shane Moberly made a request that the zone change was in agreement with the adopted Comprehensive Plan.

**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 R-7 Urban Agricultural to R-5 Light Industrial, making a finding of fact that there was insufficient evidence presented to verify it was in agreement with the Comprehensive Plan, it would be considered spot zoning, and there are other industrial sites available.

**WHEREAS**, the Madison County Fiscal Court on December 21, 2004 voted to over-turn the decision of the Planning Commission and required the property be changed from R-7 Urban Agricultural to R-5 Light Industrial by a vote of 3-yes and 2-no, making a finding of fact that the property was zoned improperly due to the numerous other businesses in the area and made the following two (2) conditions for approval: (1) Mr. Moberly agrees to not expand the building beyond the original size until city sewer is available and fire flow is available and (2) Mr. Moberly agrees to tie on to sewer and water when it becomes available.

**NOW, THEREFORE BE IT ORDAINED AND ENACTED**, by the Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from R-7 Urban Agricultural to R-5 Light Industrial.

**SECTION I**

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

Beginning at a set steel pin (1/2" rebar, 18" long with yellow plastic cap stamped CKLS WEBB LS 3505) in the south right of way line of KY Hwy 1016 said point being located N46 degrees 08'43"E230.41' from an existing steel pin with cap stamped L.S. 3103 in the center of the creek and common corner to Michael V. Potter, Deed Book 484, Page 486, Plat book 15, Page 145; thence continuing with KY Hwy 1016, N 46 degrees 08'43"E325.10' to a set steel pin (1/2" rebar, 18" long with yellow plastic cap stamped CKLS WEBB LS 3505) in the south right of way of KY Hwy 1016; thence leaving KY Hwy 1016 on new lines dividing the land of Moberly (3) three calls: S 43 degrees 51' 16" E 378.79' to a set steel pin (1/2" rebar, 18" long with yellow plastic cap stamped CKLS WEBB LS 3505); thence S 46 degrees 41'19"W300.11' to a set steel pin (1/2" rebar, 18" long with yellow plastic cap stamped CKLS WEBB LS 3505); thence N47 degrees 39'32"W376.78' to the point of beginning and containing 2.71 acres (117948 sq. ft.) hereby designated as Tract 1A.

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: December 21, 2005

MOTION BY: Billy Ray Hughes

SECONDED BY: Larry Combs

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER		✓
MAGISTRATE WILLIAM TUDOR		✓
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: January 11, 2005

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER		
MAGISTRATE WILLIAM TUDOR		
MAGISTRATE BILLY RAY HUGHES		

[Signature]  
MADISON COUNTY JUDGE EXECUTIVE

Attest:

William E. Jobbard  
MADISON COUNTY CLERK