

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 20-20**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 3241, 3245 & 3249 OLD KENTUCKY
HIGHWAY 52, RICHMOND, KENTUCKY, AND AUTHORIZING THE
AMENDMENT OF 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, July 21, 2020 to consider a Land Use Change Request Application from RC-7
Rural Corridor Agriculture to RC-1 Rural Corridor Single Family Residential. Upon
presentation by the Applicant and with a single email read into the record in opposition to
the Application, Findings of Fact were made by the Planning Commission as described in
their Summary of Evidence, Findings of Fact and Recommendation to the Fiscal Court
attached hereto and made a part hereof for all purposes, as follows:

1. That the existing zoning classification is inappropriate and the proposed
zoning classification is appropriate for the following reasons:
 - a. The character and area of the property due to the residential
development in the rural corridor and the size and location of this tract
make RC-7 a non-viable use of this property;
 - b. The character of the surrounding area and this property are more
suitable for residential purposes as the subject property is within the
Rural Corridor and surrounded and in close proximity to other
properties used for residential purposes, and contains the required
infrastructure for residential development;

WHEREAS, the Madison County Planning Commission upon hearing testimony made a
Motion with unanimous consent to recommend to the Madison County Fiscal Court to
approve the Land Use change request from RC-7 to RC-1.

WHEREAS, the Madison County Fiscal Court has reviewed said Findings and
Recommendation of the Madison County Planning Commission and being otherwise
sufficiently advised and does hereby adopt the findings of fact made thereby;

**NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE FISCAL
COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF
KENTUCKY**, that the land use classification of the following described property

be changed by this ordinance from RC-7 to RC-1 classification.

SECTION I

Being all of Tract 1, 5.15 +/- acres; Tract 2, 12.14. +/- acres and Tract 3, 10.62 +/- acres, as shown on the Minor Subdivision Plat for Anna Kate Fritz, Melissa Hahn, as shown on Plat Book 26, Page 596, for a more particular description therein, of record in the Madison County Clerk's Office.

Being the same property conveyed to Ronnie D. Smith and Helen Smith, husband and wife, from Anna Kate Fritz and Ray Fritz, wife and husband, and Melissa W. Hahn and David Hahn, wife and husband, and Kimberly G. Wilson, single by deed dated August 6, 2015 of record in Deed Book 719, Page 780 in the Madison County Court Clerk's Office.

SECTION II

That the Madison County GIS Coordinator make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

SECTION III

That the County Clerk cause this Ordinance to be published in accordance with the Kentucky Revised Statutes.

DATE OF FIRST READING: July 28, 2020

MOTION BY: Tom Botkin

SECONDED BY: Roger Barger

VOTE:	YES	NO
Magistrate Larry Combs	<u>X</u>	_____
Magistrate Roger Barger	<u>X</u>	_____
Magistrate John Tudor	<u>X</u>	_____
Magistrate Tom Botkin	<u>X</u>	_____
Judge Reagan Taylor	<u>X</u>	_____

DATE OF SECOND READING: August 11, 2020

MOTION BY: Tom Botkin

SECONDED BY: Roger Barger

VOTE:	YES	NO
Magistrate Larry Combs	_____	_____
Magistrate Roger Barger	_____	<u> X </u>
Magistrate John Tudor	_____	<u> X </u>
Magistrate Tom Botkin	<u> X </u>	_____
Judge Reagan Taylor	<u> X </u>	_____

Rg- Jtk
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:

Kenny Barger
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
3241 Old KY Hwy. 52; 3245 Old KY Hwy. 52; and 3249 Old KY Hwy. 52
DA: July 23, 2020

This matter came before the Madison County Planning Commission for a hearing on July 21, 2020 on application submitted by the landowners, Ronnie D. Smith and Helen Smith to amend the official zoning map of regarding a certain 5.15 acre tract located at **3241 Old KY Hwy. 52; 3245 Old KY Hwy. 52; and 3249 Old KY Hwy. 52**, Richmond, Madison County, Kentucky from the existing zoning classification of RC-7 to RC-1.

Upon proper notice being given and upon hearing testimony and arguments of all parties on July 21, 2020 and upon Motion made and vote taken on July 21, 2020, the Madison County Planning Commission did make the following Findings of Fact and Recommendations regarding said Application to the Madison County Fiscal Court:

SUMMARY OF EVIDENCE AND TESIMONY PRESENTED:

The Applicants were represented by the Hon. Kory O. Isaacs at the Hearing. The Applicants presentation of evidence included a number of Exhibits, made a part of their presentation, together with the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show that character of the surrounding area made the present zoning unsuitable and the proposed zoning classification appropriate. Information was presented that tended to show that much of the property in close proximity to this subject tract is zoned RC-1 and that the usage of the property surrounding this tract was almost universally either single family residential or for small businesses that supported such residential usage; that neither this tract nor tracts nearby were large enough to be used in agricultural uses; and that the property was within the rural development corridor with supporting infrastructure that made RC-1 the most appropriate zoning classification for the property.

One email was presented in opposition to the proposed map amendment from an nearby land owner, that, although expressing opposition to development, actually tended to support Applicants' position that the common land use in the area was residential and that the area was amenable to residential development.

FINDINGS OF FACTS

Upon considering the evidence and testimony summarized herein, the Madison County Planning Commission made the following Findings of Fact:

1. That the existing zoning classification is inappropriate and the proposed zoning classification is appropriate for the following reasons:
 - a. The character and area of the property due to the residential development in the rural corridor and the size and location of this tract make RC-7 a non-viable use of this property;
 - b. The character of the surrounding area and this property are more suitable for residential purposes as the subject property is within the Rural Corridor and surrounded and in close proximity to other properties used for residential purposes, and contains the required infrastructure for residential development;

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from RC-7 to RC-1 BE APPROVED.

Chair, Madison County Planning Commission

Director, Madison County Planning & Development