

**MADISON COUNTY FISCAL COURT  
MADISON COUNTY, KY  
ORDINANCE 2023-03**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF A 6.89 ACRE TRACT LOCATED IN WC  
PARKS SUBDIVISION, TRACT 4, BEREA ROAD, RICHMOND, MADISON COUNTY,  
KENTUCKY (PIDN # 0071-0000-0036-C), 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, April 18, 2023 to consider a Land Use Change Request Application from UC-1 Single-Family Residential to UC-4 General Commercial. Upon presentation by the Applicant and with no parties appearing 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 requested UC-4 zoning classification is consistent with the current Comprehensive Plan given the property's location. The size, layout, topography, and location of the property make it suitable for commercial use.
  - b. The zoning classification of UC-4 is appropriate as the property is suitable for commercial development given its location in the Urban Corridor and an area designated for commercial development.
  - c. That the requested zone change to UC-4 will be in conformity with the existing use and development of other property in the area near the subject property and is appropriate.

**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 UC-1 to UC-4.

**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 UC-1 to UC-4 classification.

**SECTION I**

Being Lot Number 4 of the W.C. Parks Subdivision, a plat of which is recorded at Plat Book 9, page 188, and of record at the Madison County Court Clerk’s Office, to which reference is hereby made for a more particular description.

BEING the same property conveyed to Stacy Brown and Verna R. Brown, husband and wife, from Mary Elizabeth Rose, as Executrix of the Estate of Nora C. Parks, et. al., by survivorship deed dated September 12, 1990, of record in Deed Book 410 at page 117 in the office of the Madison County Clerk.

Stacy Brown died November 1, 2005. His interest in subject property passed to his wife, Verna R. Brown, by right of survivorship.

Verna R. Brown died testate a resident of Fayette County on September 11, 2022. Her Will is of record in Will Book 410 at page 484 in the office of the Fayette County Clerk and in Will Book \_\_\_\_\_ at page \_\_\_\_\_ in the office of the Madison County Clerk.

**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.

**THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.**

DATE OF FIRST READING: 5-9-23

MOTION BY: Combs

SECONDED BY: Bathin

VOTE:

YES

NO

Magistrate James Brian Combs  
 Magistrate Stephen Lochmueller  
 Magistrate Billy Ray Hughes  
 Magistrate Tom Botkin  
 Judge Executive Reagan Taylor

✓  
✓  
✓  
✓  
✓

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DATE OF SECOND READING:

5-23-23

MOTION BY:

Combs

SECONDED BY:

Botkin

VOTE:

YES

NO

Magistrate James Brian Combs  
 Magistrate Stephen Lochmueller  
 Magistrate Billy Ray Hughes  
 Magistrate Tom Botkin  
 Judge Executive Reagan Taylor


✓  
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✓  
✓  
✓

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Signed:

  
 Madison County Judge Executive

Attested:

  
 Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT  
FR: MADISON COUNTY PLANNING COMMISSION  
RE: APPLICATION FOR LAND USE MAP AMENDMENT  
**WC Parks Tract 4**  
DA: April 28, 2023

This matter came before the Madison County Planning Commission for a hearing on April 18, 2023 on application submitted by the landowners, Theresa Brown, Executor of the Estate of Verna R. Brown, *et al.*, to amend the official zoning map of regarding a tract of land located on Berea Road, Richmond, Madison County, Kentucky being known as *WC Parks Tract 4* and being 6.89 acres (PIDN # 0071-0000-0036-C) from the existing zoning classification of UC-1 Single-Family Residential to UC-4 General Commercial. Upon proper notice being given and upon hearing testimony and arguments of all parties present on April 18, 2023 and upon Motion made and vote taken on April 18, 2023, 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 TESTIMONY PRESENTED:**

The Applicants were represented by the Hon. Jerry W. Gilbert at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of their presentation, together with the testimony of representatives for property owners and facts presented by the administrative staff of the Madison County Office of Planning and Development which tended to show that major changes had been made to this area of Madison County due to continued development along the Urban Corridor, that this property was located adjacent to and near other property with a UC-4 zoning classification and near properties designated as commercial property in the Future Land Map within the Comprehensive Plan for Madison County. The infrastructure is such so as to permit the development consistent with a UC-4 zoning classification. The proposed zone change to UC-4 complies with goals of growth for the Urban Corridor as set forth in the Comprehensive Plan, which made the present zoning unsuitable and the proposed zoning classification appropriate.

No testimony or information was presented in opposition to the proposed map amendment.

**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 requested UC-4 zoning classification is consistent with the current Comprehensive Plan given the property's location. The size, layout, topography, and location of the property make it suitable for commercial use.
- b. The zoning classification of UC-4 is appropriate as the property is suitable for commercial development given its location in the Urban Corridor and an area designated for commercial development.
- c. That the requested zone change to UC-4 will be in conformity with the existing use and development of other property in the area near the subject property and is appropriate.

**RECOMMENDATION:**

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-1 to UC-4 BE APPROVED.

  
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Robert Farmer  
Chair, Madison County Planning Commission

  
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Bert Thomas  
Director, Madison County Planning & Development