

**MADISON COUNTY FISCAL COURT  
MADISON COUNTY, KY  
ORDINANCE 2023-11**

**AN ORDINANCE RELATING TO THE MADISON COUNTY FISCAL COURT,  
KENTUCKY, APPROVING THE ZONE CHANGE OF 1703 RICHMOND  
ROAD N (PIDN # 072A-0001-0004), BEREA, 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, June 20, 2023 to consider a Land Use Change Request Application from UC-7 Agriculture 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 character of the surrounding area and this property are more suitable for commercial purposes as the subject property is in close proximity to other properties used for business purposes.
  - b. The property is not adequate for farming-related activities as it is not large enough to comply with the minimum requirements as described by the Comprehensive Plan and applicable regulations.
  - c. The property has never served as a residential facility and has only served as a garage since its construction.
  - d. That small residential lots along major roadways are discouraged by the Comprehensive Plan and the location of the existing structure limits possible residential use due to the Site and Dimensional Requirements of a single-family residence.
  - e. The proposed zone (UC-4) will not disrupt traffic along US 25, nor will its use disrupt the surrounding properties quiet enjoyment.
  - f. The property's existing zone UC-7 is not appropriate.
  - g. The proposed zone (UC-4) 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-7 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-7 to UC-4 classification.

### **SECTION I**

All that certain lots or parcels of land located about five miles north of Berea, Madison County, Kentucky, in the Hayes Fork Subdivision and thus described. All of Lot Number 10, in Hayes Fork Subdivision.

Also being a part of Lot Number 9 in the Hayes Fork Subdivision fronting on U.S. Highway No. 25 and adjacent to Lot Number 10, in said subdivision and thus described: Beginning at the corner of Foster Brock and U.S. Highway No. 25, a distance of 20 feet, to line of Lot Number of 10, thence west with line of Lot Number 10, a distance of 117 feet to the line of Foster Brock, thence north with Brock's Line a distance of 20 feet, a corner, a new line to Brock, thence east with Brock's line a distance of 117 feet to U.S. Highway No. 25, the point of beginning, making a lot fronting on U.S. Highway 25, 20 feet and running back 117 feet. The Plat of which is recorded in Plat Book 1, page 148 in the Madison County Clerk's office.

BEING the same property conveyed to Monty L. Brock, by Deed dated December 28, 2006, and recorded in Deed Book 616, page 550 in the Madison County 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.

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

DATE OF FIRST READING: 6-27-23

MOTION BY: Botkin

SECONDED BY: Combs

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

DATE OF SECOND READING: 7-11-23

MOTION BY: Combs

SECONDED BY: Lochmueller

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

**Signed:**  
[Signature]  
Madison County Judge Executive

**Attested:**  
[Signature]  
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT  
FR: MADISON COUNTY PLANNING COMMISSION  
RE: APPLICATION FOR LAND USE MAP AMENDMENT  
**1703 Richmond Road N**  
DA: June 20, 2023

This matter came before the Planning and Zoning Commission for a hearing on June 20, 2023, on application submitted by the landowner, Monty Brock to amend the official zoning map of Madison County, regarding a certain tract of land located at 1703 Richmond Road N, Berea, Madison County, Kentucky, from a property currently zoned as UC-7 to UC-4.

Upon proper notice being given and upon hearing testimony and arguments of all parties on June 20, 2023, and upon Motion made and vote taken on June 20, 2023, the Madison County Planning and Zoning 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 Applicant was represented by the Hon. Kory O. Isaacs at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of its presentation, together with testimony of the applicant, the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Development which tended to show the existing zoning classification given to the property (UC-7) is inappropriate and the proposed zoning classification (UC-4) is appropriate and the same complies with the current Comprehensive Plan.

A member of the public presented testimony consisting of concern that the property not be used for sale of alcohol.

**FINDINGS OF FACTS**

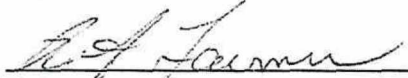
Upon considering the evidence and testimony summarized herein, the Madison County Planning and Zoning Commission made the following Findings of Fact:

1. That the existing zoning classification (UC-7) given to the property is inappropriate and the proposed zoning classification (being UC-4) is appropriate for the following reasons:
  - a. The character of the surrounding area and this property are more suitable for commercial purposes as the subject property is in close proximity to other properties used for business purposes.

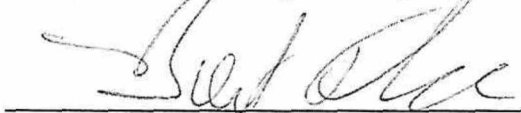
- b. The property is not adequate for farming-related activities as it is not large enough to comply with the minimum requirements as described by the Comprehensive Plan and applicable regulations.
- c. The property has never served as a residential facility and has only served as a garage since its construction.
- d. That small residential lots along major roadways are discouraged by the Comprehensive Plan and the location of the existing structure limits possible residential use due to the Site and Dimensional Requirements of a single-family residence.
- e. The proposed zone (UC-4) will not disrupt traffic along US 25, nor will its use disrupt the surrounding properties quiet enjoyment.
- f. The property's existing zone UC-7 is not appropriate.
- g. The proposed zone (UC-4) is appropriate.

**RECOMMENDATION:**

It is the RECOMMENDATION of the Madison County Planning and Zoning Commission that the application to amend the Madison County Land Use Map applicable to the real property located at 1703 Richmond Road N, Berea, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as UC-4.



Robert Farmer  
Chair, Madison County Planning Commission



Bert Thomas  
Director, Madison County Planning & Development

# Area Map - Madison County, KY



GPS Address

 Parcels

Shields

 Interstate

 Major Road

 Local Road

 Railroad



1:1,128

1" = 94 feet

1" = 0.02 miles



Although reasonable efforts have been made to ensure the accuracy of this map, Madison County expressly disclaims liability for damages arising from its use. This map is provided as a general informational tool only and should not be used for legal or financial purposes. Madison County is not responsible for any errors or omissions on this map. Madison County GIS Department 125 W. Irvine St., 2nd Floor Richmond, KY 40475 GIS@madisoncountyky.gov (606) 461-4481