

ORDINANCE NO. 14-25

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY ADOPTING
THE RECOMMENDATION OF THE RICHMOND PLANNING AND ZONING
COMMISSION AS TO A ZONE CHANGE APPLICATION AND ADOPTING
FINDINGS OF FACT AS TO SUCH ZONE CHANGE
(PROPERTIES AT 804 WEST MAIN STREET, 808 WEST MAIN STREET, AND
112 TATES CREEK ROAD)**

WHEREAS, Karen Boardman, in her capacity as Executrix for the Estate of John D. Hancock, Deceased, filed with the Richmond Planning and Zoning Commission an Application for a Zoning Map Amendment as to the properties at 804 and 808 West Main Street and 112 Tates Creek Road (collectively, the "Properties"); and

WHEREAS, the Properties are currently zoned R-1B (Single Family Residential) and the applicant requested that they be re-zoned to B-1 (Neighborhood Business); and

WHEREAS, the applicant further tendered to the Planning and Zoning Commission both a Certificate of Land Use Restriction (attached hereto as Exhibit A) and a rendering of the structure (attached hereto as Exhibit B) proposed to be constructed on the Properties should the requested zone change be granted; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the zone change on May 29, 2014 in the course of which it received evidence and testimony from persons in favor of and opposed to the requested zone change; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission voted to recommend that the zone change be granted provided that: (1) the Certificate of Land Use Restriction (Exhibit A) be recorded and made binding upon the Properties; and (2) the structure built on the Properties be that as is depicted in the attached Exhibit B; and

WHEREAS, the Planning and Zoning Commission, at its meeting of July 15, 2014, adopted written Findings of Fact as to the zone change, and the issue is now before the Board of Commissioners for final determination; and

WHEREAS, the Board of Commissioners believes it to be in the public interest that it adopt the recommendation of the Planning and Zoning Commission in accordance with the Findings of Fact adopted by that body;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

The Board of Commissioners does hereby adopt the recommendation of the Richmond Planning and Zoning Commission as to the requested zone change. The zoning

classification of the properties at 804 West Main Street, 808 West Main Street, and 112 Tates Creek Road shall be, and hereby is, changed from R-1B (Single Family Residential) to B-1 (Neighborhood Business); provided, however, that:

- (1) The Certificate of Land Use Restriction attached hereto as Exhibit A shall be recorded in the office of the Madison County Court Clerk and shall be a restriction and covenant running with the land which shall forever restrict the future use of the Properties in accordance with the tenor and terms thereof.
- (2) The structure to be built upon the Properties shall be as is depicted on the attached Exhibit B, and no modification of the structure which shall effect more than a minor cosmetic change in its appearance shall be made or done unless the Planning and Zoning Commission shall grant its express approval for same prior to the modification.

The Board of Commissioners does hereby adopt the written Findings of Fact adopted by the Planning and Zoning Commission as its Findings of Fact relating to the zone change.

SECTION II

The Director of Planning and Zoning shall make the appropriate changes to the official map of the City of Richmond, Kentucky.


SECTION III

This Ordinance shall be effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

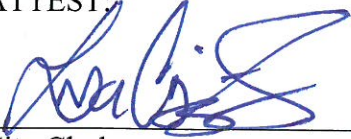
DATE OF FIRST READING: August 26, 2014
MOTION BY: Commissioner Baird
SECONDED BY: Commissioner Newby

DATE OF SECOND READING: September 9, 2014
MOTION BY: Commissioner Baird
SECONDED BY: Commissioner Blythe

| VOTE | YES | NO |
|---------------------|------------|-----------|
| Commissioner Baird | x | |
| Commissioner Blythe | x | |
| Commissioner King | | x |
| Commissioner Newby | | x |
| Mayor Barnes | x | |



Mayor Barnes

ATTEST:


City Clerk