

ORDINANCE NO. 22-30

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CHANGING
THE ZONING CLASSIFICATION FOR PROPERTY AT 441 E. IRVINE
STREET OWNED BY THE BRIAN CHARLES LIVING TRUST LOCATED
WITHIN CITY LIMITS**

WHEREAS, The Brian Charles Living Trust, Owner, has filed with the Richmond Planning and Zoning Commission an Application for a Zoning Map Amendment for 441 E Irvine Street, consisting of 0.092 Acres located at the corner of Elm and East Irvine Street; and

WHEREAS, the property is currently zoned Industrial (I-2) and requesting change to Central Business District (B-2)

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the requested zone change on June 15, 2022 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, with the provision however, that the use of the property is restricted in accordance with the Certificate of Land Use Restriction attached to this ordinance and herein incorporated as thought here set forth in full; and

WHEREAS, the Planning and Zoning Commission, at its meeting, 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 adopts 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 property in question, located in Richmond, Madison County, Kentucky, as to which the zone change shall apply, are:

**Zone Change from I-2 to B-2
The Brian Charles Living Trust, Owner
.092 Acres**

DEED BOOK 814, PAGES 484-488

The Board of Commissioners does hereby adopt the written Findings of Fact adopted by the Planning and Zoning Commission as its Findings of Fact. In accordance with the agreement of the Applicant expressed at the hearing before the Planning & Zoning Commission, does further adopt the Certificate of Land Use Restriction attached to this Ordinance and does restrict the use of the subject property as is set forth in that Certificate.

That Certificate of Land Use Restriction shall be recorded in the office of the Madison County Court Clerk.

The Findings, the zoning of the said property shall be, and hereby are, changed from I-2 to B-2 (Central Business District).

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 09, 2022
MOTION BY: Commissioner Brewer
SECONDED BY: Commissioner Arnold

DATE OF SECOND READING: August 23, 2022
MOTION BY: Commissioner Arnold
SECONDED BY: Commissioner Newby

VOTE	YES	NO
Commissioner Arnold	x	
Commissioner Brewer	x	
Commissioner McDaniel	x	
Commissioner Newby	x	
Mayor Blythe	x	




Mayor Blythe

ATTEST:



City Clerk

Approved as to form:



City Attorney, Tyler Frazier

**ATTORNEY'S CERTIFICATION AS TO SUMMARY OF ORDINANCE FOR
PUBLICATION**

COMES NOW the undersigned Tyler Frazier, who does certify as follows:

1. That he is a licensed and practicing attorney in the Commonwealth of Kentucky.
2. That he has prepared, for purposes of publication in accordance with the requirements of Chapter 424 of the Kentucky Revised Statutes, the attached summary or summaries of Ordinance(s) duly enacted by the Board of Commissioners for the City of Richmond, Kentucky.

Dated this the 23 day of August, 2022.



Tyler Frazier

Ordinance: 22-30

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER:

Charles Brian Living Trust
3564 Berea rd
Richmond, Kentucky 40475

2. ADDRESS OF PROPERTY:


441 E Irvine St
Richmond, Kentucky 40475

3. NAME OF SUBDIVISION OR DEVELOPMENT:

N/A

4. TYPE OF RESTRICTIONS:

In accordance with the provisions of Ordinance No. 22-30, the property is now zoned B-2, but is subject to the restriction that the floor located at street level and from which primary access to the building is located shall only be used as office space.

By:  Date: 7-20-22
Chris Childers, Chairman
City Of Richmond, Planning and Zoning Commission

STATE OF KENTUCKY)
)
COUNTY OF MADISON)

SUBSCRIBED, ACKNOWLEDGED and SWORN to before me, the undersigned notary public, in and for the county and state aforesaid by Melinda Chris Childers, this 20 day of June, 2022.



NOTARY PUBLIC, STATE AT LARGE
My Commission Expires: 7-20-22

