

**CITY OF RICHMOND PLANNING AND ZONING COMMISSION  
CITY HALL  
RICHMOND, KENTUCKY**

**APPLICATION FOR ZONING MAP AMENDMENT**

*(All Applicants requesting a Zone Change or Annexation must be represented by an Attorney.)*

DATE: \_\_\_\_\_

Nonrefundable Fee: \$ \_\_\_\_\_

1. Owner(s) of Property (names and addresses):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Property address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Existing zoning classification of property: \_\_\_\_\_

4. Existing use of property: \_\_\_\_\_

5. Requested zoning classification of property: \_\_\_\_\_

6. Property size: \_\_\_\_\_ acres

7. Use and zoning classification of surrounding property:

	<u>Use</u>	<u>Zoning</u>
North:	_____	_____
South:	_____	_____
East:	_____	_____
West:	_____	_____

8. Does the property in question, or any portion of it, adjoin property located outside of the boundaries of the City of Richmond, Kentucky? \_\_\_\_\_ yes \_\_\_\_\_ no

9. Urban services to property in question:

	<u>Exists (“yes” or “no”):</u>	<u>Provided by:</u>
Sewage	_____	_____
Refuse	_____	_____
Water	_____	_____
Electric	_____	_____
Gas	_____	_____
Storm sewers	_____	_____

10. Legal justification for requested change (*see*, Kentucky Revised Statutes section 100.213) and summary of factual grounds in support of such legal justification (attach additional sheet(s) if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Attach copy of deed to completed application.

12. Attach written proposed Findings of Fact supporting zone change request to completed application.

13. Attach completed List of Surrounding Property Owners to completed application.

14. Please provide a total of 13 copies of the application and all additional information.

15. **If this is an Annexation please see page 8 of this document for additional instruction.**

“The undersigned, being all of the Owners of the property as to which a zone change is requested, do by my/our signature(s) below hereby certify that to the best of my/our knowledge and belief, all application materials submitted in and with this application are true and correct.”

Dated: \_\_\_\_\_

Signatures: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**(EXAMPLE) LIST OF ADJOINING PROPERTY OWNERS**

**Instructions:** Provide the information detailed below on a separate typed sheet as to every other tract of property which adjoins (or touches, however small the common boundary) the tract of property involved in this zone change request.

<u>ADDRESSES OF ALL ADJOINING PROPERTIES</u>	<u>NAMES OF PROPERTY OWNERS</u>	<u>PROPERTY OWNER'S MAILING ADDRESS</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

\_\_\_\_ yes    \_\_\_\_ no    Does this property adjoin any other planning and zoning jurisdictions?

If yes please list each along with an address.

Planning and Zoning Commission	Address
1. _____	
2. _____	

## FINDINGS OF FACT CHECKLIST

**NOTE:** The items here scheduled represent the minimal jurisdictional and factual items required to (i) satisfy the legal requirements necessary to give jurisdiction to the planning commission to entertain the zone change application; and (ii) satisfy the legal requirements necessary to permit the planning commission to evaluate the merits of the zone change application. Proposed Findings of Fact submitted by the applicant *must* include these items and *should* in addition include all other facts which the applicant deems to be in further support of the particular zone change requested. *Each separate finding of fact should be established by the Applicant through the introduction of evidence (through witness testimony or through other evidence) offered in the course of the hearing before the planning commission.*

### FINDINGS RE: PUBLISHED NOTICE

- \_\_\_\_\_ Notice of hearing before the planning commission published in *Richmond Register* at least once and not less than 7 days nor more than 21 days before the hearing date (as established by the Affidavit of publisher with copy of notice attached). *KRS 424.130 (d); KRS 424.170*
- \_\_\_\_\_ Notice included (i) street address of property in question or, if none, (ii) a geographic description of property sufficient to locate and identify the property, and the names of 2 streets on either side of the property which intersect the street on which the property is located. *KRS 100.211 (3)*

### FINDINGS RE: POSTING OF NOTICE

- \_\_\_\_\_ Sign posted conspicuously on the property in question. *KRS 100.212 (1)*
- \_\_\_\_\_ Sign posted 14 consecutive days immediately prior to the hearing. *KRS 100.212 (1)*
- \_\_\_\_\_ Sign contains phrase “zoning change” with proposed classification change in letters 3 inches in height, and shows time, place, and date of hearing in letters at least 1 inch in height. *KRS 100.212 (1) (a)*
- \_\_\_\_\_ Sign constructed of durable material and states the telephone number of Richmond Planning and Zoning Commission. *KRS 100.212 (1) (b)*

### FINDINGS RE: MAILING OF NOTICE

- \_\_\_\_\_ Applicant confirmed that the identities and addresses of the owners of every parcel of property adjoining the property in question, as per the records maintained by the Madison County Property Valuation Administrator, was provided to the secretary for the planning commission. *KRS 100.212 (2)*
- \_\_\_\_\_ Secretary of planning commission certified that notice of the hearing before the planning commission was given by her to such owners via first class mail at least 14 days in advance of the hearing. *KRS 100.212 (2)*
- \_\_\_\_\_ If the property in question is outside City limits, the secretary of the planning commission certified that notice of the hearing before the planning commission was given by her to the Madison County Planning Commission via first class mail at least 14 days in advance of the hearing. *KRS 100.212 (3)*

FINDINGS RE: LEGAL BASIS FOR REQUESTED ZONE CHANGE

KRS 100.213 provides for three possible (and not necessarily mutually exclusive) grounds at least one of which must be established at the hearing before any zone change can be granted, namely: (1) that the requested zone change is in agreement with the City's comprehensive plan; (2) that the existing zoning classification is inappropriate and the requested zoning classification is appropriate; and (3) that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The Applicant should introduce at the hearing before the planning commission evidence showing that at least one of these three conditions exists as to the property in question. *The mere recitation at the hearing of these legal standards will not suffice for this purpose; factual evidence showing that one of these standards has been met is required for the requested zone change even to be considered, much less granted.*

\_\_\_\_\_ The existence of facts as would show that at least one of the above-listed three standards has been met.  
*KRS 100.213*

## APPLICATION FOR ZONING MAP AMENDMENT

### GENERAL INSTRUCTIONS

1. Complete the application form, and attach to the completed application each of the items specified in the application. **Incomplete application forms or completed application forms without the required attachments will not be accepted for filing and will not be considered.**
2. The legal justification for the zone change can only be one of the various grounds set forth in KRS 100.213. You should decide which one of those grounds has application to your particular zone change request, and set out that legal justification in the application form.
3. When all of the necessary preliminary steps have been completed, your application will be scheduled for a formal hearing before the Planning and Zoning Commission. Kentucky law and Richmond City Ordinance both require that specific facts in support of your zone change application be submitted by you to the Commission at the formal hearing. *Unless the necessary facts are introduced into evidence by you in the course of the formal hearing, the Commission does not have any legal authority to grant your zone change request, and the law requires that it be denied. Your summary of the evidence in your application form is not, without the formal presentation of evidence at the hearing (e.g., sworn testimony and/or the presentation of other admissible and competent evidence) sufficient to comply with this evidentiary requirement.*
4. You can represent yourself in the zone change application and hearing process, or you can be represented by legal counsel. While other persons (i.e., witnesses) can appear *with* you at the hearing, only a licensed attorney can appear *on your behalf* to represent you at the hearing.
5. There are a number of other steps which each applicant for a zone change is required to take, within the times specified by applicable Kentucky law, before the zone change may be heard by the Commission. It is the sole responsibility of the applicant to ensure that these other steps are taken in a timely fashion. The failure to comply with these other requirements will result in the zone change application being denied. Please examine Kentucky Revised Statutes, Chapter 100 to familiarize yourself with the various preliminary steps, and then be certain that each legal requirement is strictly complied with. The steps include: (i) the preparation and submission to the Commission of the required public notice to be published in the local newspaper (your proposed public notice should be submitted to the Commission for its review and approval *before* it is published in the newspaper); (ii) the preparation and posting on the property of the notice sign required by Kentucky law (the proposed notice sign should be submitted to the Commission for its review and approval *before* it is posted on the property); and (iii) the giving of notice of the zone change application to all adjoining property owners and, if the property adjoins property subject to the jurisdiction of another planning unit, to that

planning unit (the Commission will prepare and mail these individual notice letters using the information supplied by you in your application). Each of these steps must be properly performed, and each must be performed at the required times in order for your zone application to be valid.

6. One of the items required to be included in your application package is your proposed Findings of Fact. This document should set forth each and every fact which you feel justifies and supports your proposed zone change. When the proposed zone change comes before the Commission for consideration, you should introduce into the record, through witness testimony or through the introduction of other evidence, proof of each separate fact included in your proposed Findings of Fact. A Findings of Fact check-list is included in this application package for your assistance in the preparation of your proposed Findings of Fact. The check-list makes reference only to the bare bones and minimal facts as to which proof must be introduced during the hearing before the Commission; *the check-list is not intended to be an all-inclusive itemization of necessary facts in support of your particular application.* Your proposed Findings of Fact should include such additional facts as you feel necessary and appropriate to support your application.
7. In accordance with the provisions of Section 401.2 B5 of the City's Development Ordinance, the Commission is authorized to require that an applicant for a zone change submit to the Commission for its consideration a formal development plan reflecting the actual development which will occur on the property in question if the zone change request is granted. It is the responsibility of the Commission to consider the effect upon adjoining properties of any requested zone change, and the Commission, should it deem it to be appropriate, is authorized by applicable law to approve a zone change request upon the conditions that: (1) actual development will occur only in accordance with the submitted development plan; and (2) a certificate of land use restriction be recorded restricting future development to such as is depicted on the submitted development plan.

Although a formal development plan prepared in accordance with the requirements of the City's Development Ordinance need not be submitted by you as part of this application unless the Commission so instructs you in the course of your hearing, you should prepare and submit your application, and be prepared to discuss with the Commission at the hearing, conceptual drawings and plans reflecting the nature of the development which you anticipate will occur on your property should your request for a zone change be granted.

**Annexation Process- an Attorney must represent the Applicant with any Annexation**

1. Please provide a Letter of Intent to Annex. This letter will be sent to the Madison County Planning and Zoning Department, Fire Department, Utilities, Police Department, City Manager and Mayor.
2. Fill out Zoning Map Amendment Application in full and provide all necessary documentation listed.
  - a. In providing the adjoining property owners; please provide a copy of each owner's PVA Card.
3. Provide a survey of the property and a legal description that matches 100%.
  - a. On a plat please make sure to provide the point(s) where the annexation joins the existing City boundary.
4. Provide a survey to the State's current submittal regulations.