

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2007-17

A SUMMARY OF ORDINANCE NO. 2007-17 ENTITLED
“AN ORDINANCE REGULATING PROPERTY OWNER REQUESTS FOR A
CHANGE IN ZONING DESIGNATION”

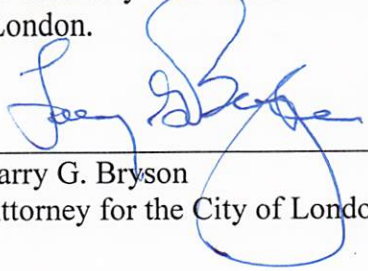
This Summary is prepared pursuant to KRS 83A.060(4).

The following is intended to be a summary of Ordinance No. 2007-17 as herein above stated. This summary is prepared by Larry G. Bryson, the attorney for the City of London, Kentucky, who is authorized to practice law in the Commonwealth of Kentucky and who further states that this document is a true and correct summary of Ordinance No. 2007-17.

The purpose for this Ordinance is to establish steps to be followed for property owners that request a change in the zoning designation for their property and to increase the filing fee to five hundred dollars (\$500.00). The property owner is required to submit to the London-Laurel County Zoning and Planning Commission, completed application, filing fee, source of title, deed with property description, site plat and map, and a statement that the requested map amendment is in agreement with the adopted Comprehensive Plan.

Any Ordinances in conflict with this Ordinance are repealed and the Ordinance is effective on publication.

This summary is certified as a true and accurate summary of Ordinance No. 2007-17 by Larry G. Bryson, City Attorney for the City of London.



Larry G. Bryson
Attorney for the City of London

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON, KENTUCKY
ORDINANCE NO. 2007-17
AN ORDINANCE REGULATING PROPERTY OWNER REQUESTS FOR A
CHANGE IN ZONING DESIGNATION**

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY:

Sections 401.2(2)(1-2) of the Development Ordinance for the City of London, Kentucky and any other sections thereof inconsistent herewith are hereby repealed.

The London-Laurel County Zoning and Planning Commission made findings that this Ordinance should be enacted.

A proposal for amendment to the zoning map may originate with the City Council, the Planning Commission, any other governmental body, the owner of subject property, or by a person having written authorization from the owner of the subject property.

If a property owner wants to use his or her property in a way that is not allowed under the existing zoning classification, he or she may submit an application to the administrative official requesting a change in the zoning designation.

The steps to be followed in requesting an amendment to the ordinance for purposes of requesting a change in the zoning designation of property are as follows:

1. File an application with the Planning Commission through the administrative official (Codes Enforcement Office in City Hall).

a. At the time of filing an application, a non-returnable filing fee of five hundred dollars (\$500.00) shall be paid according to the schedule of fees, however, there shall be no filing fee for an amendment requested by any governmental agency.

b. Where the Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Commission may modify or waive such requirement, either

permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The application shall include:

- i. The full name and address of the applicant;
- ii. The applicant's articles of incorporation, if applicable;
- iii. A copy of the applicant's source of title deed, including a full property description;
- iv. A digital (e.g., computer disk, computer compact disk) copy of the applicant's property description;
- v. A reasonably accurate map or aerial photograph (e.g., Property Valuation Administrator's map; Internet printout from standard mapping sites) of the property and all contiguous properties and/or properties within five hundred (500) feet of the subject property;
- vi. A site plat or survey, signed and sealed by a licensed professional surveyor registered in Kentucky, that shows the subject property boundaries, including at least one identification of a street in the public street system;
- vii. A statement as to whether and why the requested map amendment (i.e., zoning change) is in agreement with the adopted Comprehensive Plan AND as to one of the following:
 - (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, or
 - (b) 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.

2. Applicants shall be prepared to present substantial evidence as to whether and why the requested map amendment (i.e., zoning change) is in agreement with the adopted Comprehensive Plan AND as to one of the following:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, or

(b) 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.

3. Notice of public hearing on the amendment shall be given by the Codes Enforcement Office as follows:

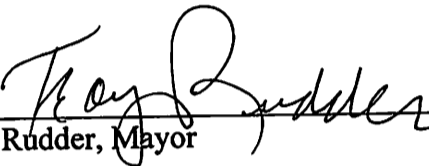
For a text amendment, notice of the time, place, and reason for holding a public hearing shall be given by publication twice in the newspaper of general circulation in the county, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

For an amendment to the official zoning map, in addition to the publication requirement above, the notice of the public hearing shall be given at least fourteen (14) days (by an individual), or thirty (30) days (by a governmental body) in advance of the hearing to the owner(s) of every parcel of property adjoining the property, the classification of which is proposed to be changed. This notice shall be sent by first class mail, with certification by the Planning Commission secretary (or other officer) that the notice was mailed to all property owners. It is the duty of the person(s) proposing the amendment to furnish the Planning Commission with correct names and addresses of all owners of adjoining property (property situated directly across the street from the subject property shall be considered to be contiguous). Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner(s). In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers the property commonly owned by the condominium or cooperative owners.


This Ordinance shall be known and cited as the "Zoning Map Amendment Ordinance" in the City of London Code of Ordinances.

If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, part, section, subsection, or other portion or the proscribed application thereof shall be severable and the remaining provisions of this chapter and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, commonwealth or federal government, this chapter shall apply.



Troy Rudder, Mayor

Attested:


Connie McKnight, City Clerk

First Reading: 12/03/07
Second Reading: 01/07/08
Publication Date: 01/11/08