

*McCracken County  
Planning Commission*



Application Packet  
For A  
Zone Change



Available on CD and at [www.co.mccracken.ky.us](http://www.co.mccracken.ky.us)

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# Table of Contents

Table of Contents .....	2
Application .....	3
Zone Change Checklist .....	5
Certificate of Land Use Restriction .....	6
Step-by-Step Process.....	7
Sample Public Hearing Notice.....	8
Notice of Public Hearing.....	9
Blank For Use To Send To Newspaper.....	10
Notifying the Neighbors .....	11
Adjacent Property Owners Affidavit.....	12
Posting Of Signs.....	13
Sign Posting Affidavit.....	14
The Development Plan .....	15
The Public Hearing.....	18
After The Public Hearing .....	20
Contact List .....	21
Excerpt from McCracken County Zoning Ordinance .....	22

## Color Codes

**Blue Box**      **Tips For Getting It Right;  
Or Answers To A Frequently Asked Question**

**Red Box**              **Critical Information – Pay Special Attention**

**Red Letters**          **Sheets To Return With Application**



*Planning Commission*

McCracken County, Kentucky  
 300 South 7<sup>th</sup> Street  
 Paducah, KY 42003-1700  
 v (270) 444-1369  
 f (270) 444-4731  
 information@co.mccracken.ky.us

DO NOT WRITE IN THIS AREA

Pre-Conf Date \_\_\_\_\_

App Date \_\_\_\_\_

Hearing Date \_\_\_\_\_

## APPLICATION FOR A ZONE CHANGE

P L E A S E   P R I N T   O R   T Y P E

Applicant Information or Authorized Agent	_____
	Name
	_____
Mailing Address	
_____	
Daytime Phone Number	

Property Owner Information  <input type="checkbox"/> Same as Above	_____
	Name
	_____
	Mailing Address
_____	
Daytime Phone Number	

Property Information	_____
	Property Address
_____	
If Platted, Plat Book Number, Page Number	

Current Zoning	Current Zoning -
	<input type="checkbox"/> AG <input type="checkbox"/> RR <input type="checkbox"/> UR <input type="checkbox"/> C <input type="checkbox"/> ML <input type="checkbox"/> MH <input type="checkbox"/> MR

Proposed Zoning	Proposed Zoning -
	<input type="checkbox"/> AG <input type="checkbox"/> RR <input type="checkbox"/> UR <input type="checkbox"/> C <input type="checkbox"/> ML <input type="checkbox"/> MH <input type="checkbox"/> MR*
* I understand Special Conditions will apply	

Flood Hazard	The Subject Property is Located in a Flood Hazard Area -
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

ZONE CHANGE APPLICATION

2<sup>nd</sup> page

<p><b>Authorized Agent</b></p>	<p><b>Commonwealth of Kentucky McCracken County</b></p> <p>This _____ Day of _____, _____ (Day) (Month) (Year)</p> <p>I, _____ (Owner)</p> <p>hereby authorize _____ to make application to the McCracken County Planning Commission for the purpose of requesting a zoning change for properties listed on this application.</p> <p>_____ Owner</p> <p>_____</p> <p>COMMOMWEALTH OF KENTUCKY</p> <p>COUNTY OF _____</p> <p>Subscribed and sworn to before me this _____ day of _____, 200____, in my County and State aforesaid, by the forenamed owner.</p> <p>_____ Notary Public</p> <p>My Commission Expires: _____</p>
	<p>_____</p> <p>Signature of Applicant</p>

I hereby certify that the information contained in this application, attached development plan and all other required submittals in support of this application are to the best of my knowledge and ability are true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

COMMOMWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, in my County and State aforesaid,  
by the forenamed principal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

## Zone Change Checklist

**THE PLANNING COMMISSION WILL GENERALLY HEAR ALL APPLICATIONS WITHIN 30 DAYS FROM THE RECEIPT OF THE COMPLETED APPLICATION.**

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE McCRACKEN COUNTY PLANNING COMMISSION AND IS TO BE PROVIDED BY THE APPLICANT:

- Completed Application. The applicant must submit the application form in its entirety. Incorrect or inaccurate information may result in dismissal of the application for a zoning change.
- A copy of the latest deed or plat (plat preferred) for the property or properties involved in the request.
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and all elements of the Preliminary Development Plan.
- An original copy of the legal notice published in the Paducah Sun not less than 7 or more than 21 days prior to the hearing.
- Sign(s) posted on the subject property not less than 14 days prior to the meeting.
- The names and mailing addresses of all adjacent property owners within 200' of the subject property.
- A completed "Certificate of Land Use Restriction". A recording fee of \$10.50 is required per KRS 100.3683.

**THE FOLLOWING INFORMATION WILL BE PROVIDED TO THE APPLICANT BY THE McCRACKEN COUNTY ZONING ADMINISTRATOR'S OFFICE:**

- An Application Packet with an application form, sample letters and sketches and documents you will need for the hearing to prepare for the public hearing.
- Hearing date, which will be the next applicable agenda date. All applications will be heard within 30 days from receipt of the completed application.
- Signs for posting on the subject property.

**CERTIFICATE OF LAND USE RESTRICTION**

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

_____	_____
_____	_____
_____	_____
_____	_____

2. ADDRESS OF PROPERTY

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

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

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

4. TYPE OF RESTRICTION (S)

(Check all that apply):

\_\_\_ Zoning Map Amendment to \_\_\_ Zone

\_\_\_ Conditional Zoning Condition

\_\_\_ Development Plan

\_\_\_ Other  
specify \_\_\_\_\_

\_\_\_ Unrecorded Subdivision Plat

\_\_\_ Variance

\_\_\_ Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

McCracken County Zoning Administrator  
301 S. 6<sup>th</sup> Street  
Paducah, KY 42003

Form of Certificate per KRS 100.3683  
  
A Recording Fee of \$10.50 shall be collected at the time application is made (KRS 100.3681 (1), (2))

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing Official  
(Type or print)

## Step-by-Step Process Short Description

1. Arrange a pre-application conference with the Zoning Administrator. You will receive an application and all of the requirements. Please call (270) 444-4769 or email to [dharnice@co.mccracken.ky.us](mailto:dharnice@co.mccracken.ky.us)
2. Complete an application. Include:
  - a. A completed Application Form
  - b. Names, addresses, and Affidavit of adjacent property owners
  - c. A copy of the deed or plat (plats preferred)
  - d. A Preliminary Development Plan
3. Only after you have completed step two above, will you be placed on the Planning Commission Agenda.
4. The Planning Commission will receive and file the application and set a date for the public hearing.
5. Post Signs on the property fourteen (14) days ahead of the hearing. Submit affidavit of sign posting.
6. Advertise the public hearing in the Paducah Sun at least 7 days, but not more than 21 days, ahead of the hearing. Submit original tear sheet from newspaper.
7. Attend the public hearing and present your case.
8. Receive a recommendation from the Planning Commission.
9. Present case to Fiscal Court for final approval or denial.

### *Frequently Asked Question:*

This looks complicated; do I need a team of lawyers and engineers to prepare my application?

**Answer:** No. It is not required. In modest developments, property owners can usually present a very competent case for the change. But some people do use attorneys and engineers to help them present the very best case they can. They often do this if the development is so large that an engineer or other professionals are already involved. If you feel that you cannot do this, and the project is critical to you economically, then get professional help.

## Sample Public Hearing Notice

### **Notice of Public Hearing Zoning Change 125 Lexington Ave.**

On Wednesday, July 24, 2002 at 1:30 PM in the McCracken County Courthouse Lower Level meeting room located at 301 South 6th Street, a public hearing will be conducted on the application of James Smith to change the zoning of property located at 125 Lexington Ave. from Urban Residential (UR) to Commercial (C). All interested parties may appear and be heard. Call (270) 444-1369 for more information.

Paul Moore, Chairman  
McCracken County Planning Commission

**Notice of Public Hearing**  
**Zoning Change**  
**\_\_\_\_\_ (Property Address) \_\_\_\_\_**

On \_\_\_(Date Supplied by Zoning Administrator)\_\_\_\_\_ at 1:30 PM in the McCracken County Courthouse Lower Level meeting room located at 301 S. 6<sup>th</sup> Street, a public hearing will be conducted on the application of \_\_\_(Owner Name)\_\_\_\_\_ to change the zoning of property located at \_\_\_\_\_(Property Address)\_\_\_\_\_ from \_\_\_\_\_(Existing Zone)\_\_\_\_\_ to \_\_\_\_\_(Proposed Zone)\_\_\_\_\_. All interested parties may appear and be heard. Call (270) 444-1369 for more information.

Paul Moore, Chairman  
McCracken County Planning Commission

Print One (1) time on \_\_\_\_\_(Date)\_\_\_\_\_

Send Invoice and Tear Sheet to:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

***Tips For Running An Advertisement and Getting It Right***

This must be published at least 7 days and not more than 21 days before the hearing.

Generally you must submit this to the Paducah Sun before 12 Noon on the day before you want this published. They are located at 408 Kentucky Ave. Their FAX number is 443-7465. The law requires you to use the newspaper with the widest circulation -- the Paducah Sun.

You must provide an original copy of the published advertisement *prior* to the hearing. Include the entire page, so we can see the date.

You will be responsible for paying the Paducah Sun.

Blank For Use To Send To Newspaper

**Notice of Public Hearing  
Zoning Change**

On \_\_\_\_\_ at 1:30 PM in the McCracken County Courthouse Lower Level meeting room located at 301 S. 6<sup>th</sup> Street, a public hearing will be conducted on the application of \_\_\_\_\_ to change the zoning of property located at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_. All interested parties may appear and be heard. Call (270) 444-1369 for more information.

Paul Moore, Chairman  
McCracken County Planning Commission

Print One (1) time in Public or Legal Notice Section on \_\_\_\_\_  
Send Invoice and Tear Sheet to:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

Fax or Deliver this sheet only to the Paducah Sun Classified Dept.  
  
Fax: 270-443-4765  
  
Voice: 270-575-8600  
  
Location:  
408 Kentucky Ave.

## Notifying the Neighbors

As required by the ordinance, the adjacent property owners within 200' feet of the subject property shall be notified by First Class Mail. It is your responsibility to accurately identify all of the adjacent property owners.

The Zoning Administrator will write and mail the letters to the addresses you supply.

The adjacent property owners are all the ones within 200' on either side of your property and to the rear of your property. In some cases, the Zoning Administrator may decide that properties across the street qualify as "adjacent" for the purpose of the case. Also, if the property abuts another City or County, they must be identified.

There is only one approved method of determining the adjacent property owners:

Visit the Property Valuation Office, located in the Court House Annex at 621 Washington Street to research the addresses of all of the owners.

P L E A S E   P R I N T   O R   T Y P E

	<b>Adjacent Owner Name</b>	<b>Property Address</b>	<b>Mailing Address</b>
1			
2			
3			
4			
5			
6			

U S E   O T H E R   S I D E   O F   T H I S   S H E E T   I F   N E C E S S A R Y

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

# Adjacent Property Owners Affidavit

**Commonwealth of Kentucky**  
**McCracken County**

This \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year)

I, \_\_\_\_\_  
(Owner or Authorized Agent)

hereby make oath that the list of adjacent property owner(s) within 200' (two-hundred feet) of all portions of the subject property, including the subject property, all property immediately across the street or road of the subject property, other city or county jurisdictions which abut the subject property, is a true and accurate list as submitted with the zoning change application.

\_\_\_\_\_  
(Owner or Authorized Agent)

COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, in  
my County and State aforesaid, by the forenamed principal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

## Posting Of Signs

The Kentucky Revised Statute and the McCracken County Zoning Ordinance requires that the subject property have signs posted that identify the existing and proposed zone, the date of the hearing, and a number to call for more information

- McCracken County will supply the proper number of legally conforming signs.
- **You are responsible for properly posting the signs.**

The following rules shall be observed and will be strictly enforced. Failure to properly post will result in postponed hearing.

1. Signs must be posted at 14 days prior the public hearing date.
2. Signs must be clearly visible from the public right-of-way, or some other publicly traveled way.
3. There will be at least one sign for first 500' of road frontage, and one additional sign for each additional 1000' (or fraction thereof). If the property is on a corner, signs will face each road. The Zoning Administrator, at their discretion, may add or reduce the number of posted signs
4. Signs must be conspicuously posted at eye-level and not be covered by branches or other visual obstructions.
5. Signs will remain on the subject property until the 2<sup>nd</sup> reading of an ordinance considering the zoning change by the Fiscal Court. After the 2<sup>nd</sup> reading, the sign shall be removed and disposed.
6. You must present an Affidavit stating the signs were properly posted. Failure to submit the Affidavit will result in the cancellation or postponement of the public hearing.
7. You must submit photographs as further proof of proper signing. Failure to submit may result in the cancellation or postponement of the public hearing.

# Sign Posting Affidavit

**Commonwealth of Kentucky**  
**McCracken County**

This \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year)

I, \_\_\_\_\_  
(Owner or Authorized Agent)

hereby make oath that the signs supplied by the McCracken County Zoning Administrator were placed on the subject property, on \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_. And that the signs will remain on the subject property until the 2<sup>nd</sup> reading, of an Ordinance considering the zone change, is read by the Fiscal Court. I have placed one sign for the first 500' of road frontage, and additional signs for each 1000' additional feet (or fraction thereof), or as the Zoning Administrator has ordered, for a total of \_\_\_\_ signs. Said signs conspicuously posted and are clearly visible to the principle publicly or privately traveled ways. Photo-documentation has been supplied to the McCracken County Zoning Administrator and is attached hereto.

\_\_\_\_\_  
(Owner or Authorized Agent)

COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, in my County and State aforesaid, by the forenamed principal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

## The Development Plan

The McCracken County Zoning Ordinance requires that every application for a zone change be submitted with a preliminary development plan. McCracken County does not approve speculative zone change applications without any pre-planning. The development plan tells the Planning Commission (and the community) your intentions for the property. Development plans are defined as:

*Development plan.* Means written and graphic material for the provision of a developmental plan, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

*Preliminary Development Plan.* This plan shall be that plan adopted by the Planning Commission when the Planning Commission favorably recommends a map amendment to the Fiscal Court. The preliminary development plan shall include that information as determined in the pre-application conference. No building permits shall be issued based upon a preliminary development plan.

Generally, many property owners can competently prepare text and graphics that are suitable for the hearing. While it is not required, the very *easiest* thing to do is have a professional architect, engineer, or surveyor prepare the drawing. You may also want to consider legal advice. Professionals are very qualified, and they generally know what we desire. As many of the professionals have been through this before, they can often give you valuable advice for winning your case. Usually they will help represent you at the public hearing. Of course, utilizing professionals comes with a cost. It is your case and if it is critical to you economically, then you should consider professional assistance.

The quality of the drawing should substantially depict the existing and proposed conditions. Since approvals are not guaranteed, non-essential details may be omitted as a way to spare expense. That is why we call it a preliminary plan. If an approval is made, one can then make the necessary investments to satisfy permit requirements. For example, we do not normally recommend that full drainage studies be commissioned prior to the hearing. The board or the ordinance may require it, but that will be at a later time.

The content of a preliminary development plan shall include:

1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer, and a written and graphic scale;
2. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
3. Date, appropriate North point, and graphic scale.
4. A vicinity, or key map, oriented in the same direction as the design scheme, scale not smaller than 1"= 2,000'.
5. Topography, with contours at an interval of not greater than five (5) feet. USGS quadrangles may be used as a base. This requirement may be waived by the discretion of the County.
6. Drawn to a scale of one hundred (100) feet to one (1) inch or larger.
7. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, and parking areas. As well as profiles and cross-sections of proposed streets or roads.
8. Perimeter screening, recreational, and other open spaces.
9. Approximate size, location, floor area, and use of proposed and existing buildings.
10. Approximate location of lot lines for projects anticipated to involve land subdivision.
11. Approximate location and dimensions of all existing and proposed easements.
12. Approximate location and sizes of existing and proposed utilities.
13. Minimum building setback lines.
14. Floodplain as determined by Federal Emergency Management Agency, (FEMA.), and classification, as per FEMA codes.
15. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and stormwater retention.

16. Plats shall be submitted not larger than twenty-four (24) by thirty-six (36) inches in size.
17. Owners Certificate: "I (We) hereby certify that I (we are) the owner(s), or authorized agent(s), of the property shown and described hereon, and that I (we) hereby adopt the Development Plan with my (our) free consent, with the exception of the such variances or other conditions of approval, if any, as noted hereon or in the Minutes of the McCracken County Planning Commission. I (We) further understand that building permits for construction can only be issued following this plan and that amendments to the plan can be made only by the procedure described in the McCracken County Zoning Ordinance."
18. Chairperson's Certificate: "I hereby certify that the Development Plan show hereon has been found to comply with the McCracken County Zoning Ordinance, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the Minutes of the McCracken County Planning Commission and that it has been approved as the official plan."

### *Tips For Preparing An Acceptable Drawing*

A sample drawing is included with this packet for you to use a guide.

You may purchase inexpensive drawing aids, such as scales and/or graph paper, at local office supply stores. Another good place to go is Paducah Blueprint, located at 999 Broadway. They have everything you will need to prepare an acceptable document.

Also readily accessible graphics programs can be found that work nicely.

S U B M I T

15

C O P I E S W I T H  
T H E A P P L I C A T I O N

## The Public Hearing

Only after a proper application is accepted by the Planning Commission, and the proper advertising is complete (neighbors notified by mail, signs posted, and an advertisement placed in the paper), will a public hearing be conducted.

The meeting, conducted by the Planning Commission Chairperson, is generally an informal affair, but will be orderly. You will be asked to present your case. You should cover the following information:

1. Identify the existing zone of the subject property.
2. State the proposed zone for the subject property.
3. Characterize the site conditions of the subject property.
4. Characterize the land uses in the general area around the subject property.
5. Present the development plan. Show your drawing, and describe the future use of the property. You should describe future buildings and their use, parking, traffic flow, storm drainage controls, and any landscaping, fencing or screening.

As it is a public hearing, the Chairman will ask if anyone is at the meeting that wishes to comment or ask questions about the proposal. Usually some one will speak up. The public tends to ask about traffic, storm water, noise, and screening. Be prepared for some give and take. Think ahead about what is really important to the project and what conditions you are willing to negotiate.

The Planning Commission in its obligation to promote the public health, safety, and general well being shall consider, but will not be limited to, the following considerations:

1. The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, sufficient sunlight exposure, etc.;
2. The conservation of sites that have historic, architectural, or archeological value;
3. The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and the community and neighborhood;
4. The provision for sufficient open space and recreational opportunities;
5. The compatibility of the overall site design (buildings, parking, circulation, signs, screening, and landscaping) and land use with the existing and projected future land use of the area;

6. The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding community/neighborhood:
7. The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
8. The development plan's compliance with the comprehensive plan and all applicable regulations as per county subdivision regulations

The Planning Commission is not required to automatically approve your request. In considering the case, you must demonstrate that one of the following two conditions exist:

1. That the original zoning classification given to the property was inappropriate or improper; or
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of the area.

### ***Frequently Asked Question***

*Why won't you provide the telephone numbers and address for the people on the Commission so I can call them before the meeting?*

Because it is a good way to get your case overturned by a court. Kentucky courts have looked at these zoning hearings as being quasi-judicial in nature. That is, if board members talk to people outside of the hearing, and the opposing side is not present to question what was said, it can be considered an illegal communication. The only place you should be talking to commissioners or board members is at the public hearing. That way it is fair for all parties concerned. Don't be offended if the commissioners tell you that they cannot discuss your case over the phone or meet you on site.

## After The Public Hearing

After considering the application, examining the preliminary development plan, and conducting a public hearing, the Planning Commission may:

- a) *Approve the Plan.* The development plan is ready for certification as presented.
- b) *Conditional approval.* The development plan will be certified when the developer has complied with the conditions of approval set forth in the Commission's action on the development plan.
- c) *Disapproval.* The Planning Commission has disapproved the development plan. To request new review and action, the developer must file a new application as set forth in the ordinance.
- d) *Postponement.* In circumstances where further resolution is required, the Commission may act, with the consent of the applicant, to postpone final action on the development plan until further information or resolution of conflicts can be ascertained.

In the event of a *Conditional Approval* or *Postponement*, the Planning Commission may order another public hearing. If the preliminary development plan is approved, the Planning Commission will forward to the Fiscal Court a recommendation that the zoning be changed.

### **Fiscal Court Action**

Once the Planning Commission has made a final recommendation (positive or negative), the case will be presented to the McCracken County Fiscal Court for ordinance consideration. The Fiscal Court has two options:

1. Act upon the recommendation of the Planning Commission, and consider only the report they have submitted; or
2. Set aside the action of the Planning Commission, and conduct a new public hearing.

### **Seeking Permits**

Prior to the issuance of building permits, the applicant must present a final development plan as set forth in the zoning ordinance.

## Contact List

### Zoning Administrator's Office

Voice (270) 444-1369

Fax (270) 444-4731

Email [dharnice@co.mccracken.ky.us](mailto:dharnice@co.mccracken.ky.us)

Doug Harnice

### Planning Commission Secretary

Voice (270) 442-9163

Fax (270) 443-0803

Email [ejsmith@co.mccracken.ky.us](mailto:ejsmith@co.mccracken.ky.us)

Evelyn Smith

### Road Supervisor

Voice (270) 442-9163

Fax (270) 443-0803

Email [pmason@co.mccracken.ky.us](mailto:pmason@co.mccracken.ky.us)

Perry Mason

### Paducah Sun Classified

Voice (270) 575-8600

Fax (270) 443-4765

# Excerpt from McCracken County Zoning Ordinance

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## Section 74 – Amendments and Development Plans

- I. *Intent.* The intent of this section is to provide guidance for the zoning code amendment processes, including text and map amendments. It shall also be the intent of this section to guide the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in its obligation to promote the public health, safety, and general well being shall consider, but not be limited to, the following in its amendatory and development plan considerations:
  - A. The conservation of natural resources, which may include various wildlife, forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, sufficient sunlight exposure, etc.;
  - B. The conservation of sites that have historic, architectural, or archeological value;
  - C. The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and the community and neighborhood;
  - D. The provision for sufficient open space and recreational opportunities;
  - E. The compatibility of the overall site design (buildings, parking, circulation, signs, screening, and landscaping) and land use with the existing and projected future land use of the area;
  - F. The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding community/neighborhood;
  - G. The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
  - H. The development plan's compliance with the comprehensive plan and all applicable regulations as per County subdivision regulations.
- II. *Initiation and Actions Required for Amendment.* This zoning code, including both the text and the zoning map, may be amended, supplemented, changed, modified, or repealed. A proposal for amendment to any zoning regulation may originate with the Planning Commission, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.
- III. *Public Notice of Proposed Map Amendments and other Development Plans*
  - A. *Map Amendment Public Hearings.*
    1. The Planning Commission shall hold at least one public hearing after notice as required by KRS Chs. 100 and 424.

The Planning Commission shall send copies of the notice to property owners surrounding the proposed zoning change within a radius of 200 feet of the property proposed for a map amendment.

- B. *All other Development Plan Public Hearings.*
    - 1. For Development Plans that do not have a map amendment, the Planning Commission shall hold at least one public hearing after notice per the requirements of KRS 424. The Planning Commission shall send copies of the notice to property owners surrounding the subject site.
  - C. All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning ordinance (KRS 100, 424).
- IV. *Findings Required.*
- A. *Map Amendments.* Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or, in the absence of such a finding, that one or more of the following apply, and such findings shall be recorded in the minutes and records of the Planning Commission and McCracken County Fiscal Court.
    - 1. That the original zoning classification given to the property was inappropriate or improper;
    - 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character or the area.
  - B. *All Other Development Plans.* Before Developments (except Map Amendments) are granted, the Planning Commission shall consider and find:
    - 1. That the proposal is compliance with the comprehensive plan.
    - 2. That the proposal is in compliance with all zoning requirements.
    - 3. That the proposal is in compliance with all other McCracken County Ordinances and policies.
    - 4. That in the granting of the request for special consideration and relief, the purpose and intent of this ordinance is not subverted or undermined; but rather that the development plan promotes efficiency and flexibility in development of the site; and that the public's interest is secured.
- V. *Variances and Conditional Use Permits.* The Planning Commission may hear and finally decide applications for variances or conditional use permits when a proposed development plan requires a map amendment and one or more variances or conditional use permits. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 and this zoning code. The applicant for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and

finally decided by the Planning Commission at the same public hearing set for the map amendment, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 and this zoning code.

VI. *Development Plans Requirements*

C. *When Required.* A preliminary development plan shall be required in the following instances:

1. The Planning Commission, as a condition to the granting of any zoning change, shall require the submission of a development plan which, where agreed upon by the applicant and the commission, shall be followed; except for a single principal structure and accessory structures for a single family dwelling, a duplex or town house dwelling, a triplex dwelling, or a four-plex dwelling on a single lot or ownership parcel. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within two years following the enactment of the map amendment, provided that such zoning change shall not revert to its original designation unless there has been a public hearing. The development plan shall be a continuing condition for the area rezoned unless amended as required herein;
2. When there is a proposal for multiple principal buildings on a single ownership parcel or lot;
3. Mobile Home Parks
4. Planned Unit Developments

V. The subdivision process may substitute for the development plan process.

VI. *Plans Defined.* For purposes of this subsection (f) and the plans required herein, the following definitions shall apply:

- A. *Sketch Plan.* This plan will be used to determine the essential graphic and written materials required for a specific map amendment and those specific actions, such as map amendments, variance, or conditional use permits that may be requested of the Planning Commission. The sketch plan may be conceptual, but should indicate any site or surrounding features or conditions that may affect the proposed development or surrounding properties or rights-of-way, the proposed buildings, access points, parking and loading areas, landscaping and screening areas, existing and proposed utilities, proposed location for solid waste storage and access to same, and any other conditions on the site or surrounding properties or proposed development features which may affect the development of the site or surrounding properties or rights-of-way. The sketch plan does not have to be detailed or highly finished drawings but should address the issues and conditions that may be essential to the development.
- B. *Preliminary Development Plan.* This plan shall be that plan adopted by the Planning Commission when the Planning Commission favorably recommends a map amendment to the Fiscal Court. The preliminary development plan shall include that information as

determined in the pre-application conference. No building permits shall be issued based upon a preliminary development plan.

- C. *Final Development Plan.* This plan is, in effect, a final site plan with that level of detail as may be required for obtaining those permits and approvals necessary for construction. It shall include all information required as set forth hereinafter and as necessary for the review of the proposed development and its compliance with any applicable law or regulation, including any previously approved preliminary development plan.

VIII. *Content and Format of Development Plans.* All development plans shall be prepared on mylar or other material capable of clear reproduction.

Required plan information shall be as follows:

- A. *Contents of preliminary Development Plan.* A preliminary development plan shall contain the following minimum information:
1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer, and a written and graphic scale;
  2. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
  3. Date, appropriate North point, and graphic scale;
  4. A vicinity, or key map, oriented in the same direction as the design scheme, scale not smaller than 1" = 2,000';
  5. Topography, with contours at an interval of not greater than five (5) feet. USGS quadrangles may be used as a base. This requirement may be waived by the discretion of the County.
  6. Scale of one hundred (100) feet to one (1) inch or larger.
  7. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, and parking areas. Profiles and cross sections of proposed streets and roads;
  8. Perimeter screening, recreational, and other open spaces;
  9. Approximate size, location, floor area, and use of proposed and existing buildings;
  10. Approximate location of lot lines for projects anticipated to involve land subdivision;
  11. Approximate location and dimensions of all existing and proposed easements;
  12. Approximate location and sizes of existing and proposed utilities;
  13. Minimum building setback lines;
  14. Floodplain as determined by Federal Emergency Management Agency (FEMA), and classification, as per FEMA codes;
  15. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and storm water retention;
  16. Plats shall be submitted not larger than twenty-four (24) by thirty-six (36) inches in size.

- B. *Contents of Final Development Plan.* A final development plan shall contain all information as required for preliminary development plans under the sections below, except that the plan information shall be of an exact nature, rather than approximate or general.
- IX. *Map Amendment and Development Plan Procedures.*
  - A. *Pre-Application Conference.*
    - 1. Prior to any application for an amendment, the applicant shall meet informally with County planning staff to determine the following:
      - a) The effect of the proposed development of the existing neighborhood, traffic patterns, and infrastructure systems;
      - b) How the proposed developments relates to the comprehensive plan;
      - c) The various regulations that may apply to the proposed development;
      - d) An explanation of the required contents of the preliminary development plan, and any other required submission of materials; and
      - e) An explanation of the amendment process;
    - 2. At the time of the meeting with the planning staff, the applicant should present a sketch plan, as outlined in subsection (2) (a) above.
- X. *Formal Application.* To formally request the Commission to consider action on any zone map amendment and/or preliminary development plan, the applicant shall file a complete application (with respect to all applicable provisions of this zoning code and other County ordinances, regulations and policies), pay the filing fee, and provide copies of all written and graphic material as required. Also the date for the public hearing will be set.
- XI. *Re-filing.* Upon reenacted amendment proposals, the applicant must wait one year before reapplying with the same proposal, unless the Planning Commission grants permission to resubmit sooner.
- XII. *Review.* The planning staff shall send the development plan to concerned agencies and interests for respective technical review. If necessary, or requested by the applicant, the interest and technical review bodies may meet together to resolve, if possible, all differences and difficulties associated with the development proposal. These meetings will be open to all interested parties, including the public.
- XIII. *Planning Commission Action.* No development plans will be considered for Commission action until they have been reviewed by the appropriate review agencies or interests. The Commission may pursue the following action:
  - A. *Approval.* The development plan is ready for certification as presented.
  - B. *Conditional Approval.* The development plan will be certified when the developer has complied with the conditions of approval set forth in the Commission's action on the development plan.

- C. *Disapproval.* The development plan has been disapproved by the Planning Commission. To request new review and action, the developer must file a new application as set forth in this section.
  - D. *Postponement.* In circumstances where further resolution is required, the Commission may act, with the consent of the applicant, to postpone final action on the development plan until further information or resolution of conflicts can be ascertained.
- XIV. *Final Development (Site) Plans Procedures.*
- A. Only after the Planning Commission has adopted the preliminary development plan, and has recommended to the Fiscal Court the zone map amendment, and the Fiscal Court has acted affirmatively on same, the applicant must present a final development plan as set forth in subsection (f) (2)c prior to the issuance of a building permit. County staff will check the final development plan and insure that;
    - 1. The plan is in compliance with the preliminary development plan.
    - 2. The plan is in compliance with the comprehensive plan, the zoning code, other County ordinances, regulations or policies, and all other applicable laws and regulations.
    - 3. Where appropriate, the review agencies may access the document and forward their comments to the County prior to final development plan approval.
    - 4. If the final development plan complies with subsection (6)a above, the Planning Commission Chair will certify on the face of the plan that all planning requirements and applicable conditions have been satisfied.
- XV. *Amendments to Development Plans.* Amendments to approved development plans can be made only by official Planning Commission action following a public hearing. Content, format, and procedures shall be the same as for the original submission. However, amendments, which fully meet the requirements set forth hereinafter as minor amendments, shall be approved and certified by the County without further action by the Planning Commission.
- XVI. *Minor Amendments Defined.* Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments:
- A. Shall not decrease the overall land area or other open spaces;
  - B. Shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units;
  - C. May increase building ground area coverage for accessory buildings; or principal buildings if additions are less than ten percent and additional parking can be provided without disruption to major plan elements;
  - D. Shall not change the location of cross section of any street and shall not increase the number or change the location of street access points on arterial or collector streets;

- E. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may not be less than would be required by the zoning district regulations. For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

*XVII. Procedures for minor amendments.*

- A. *Filing.* To request approval of minor amendments to development plans, the developer shall file with the County a completed application form, and copies of the plan as required by the terms and conditions of the County's application form.
- B. *Review.* The County shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, County staff shall submit it's finding to the Planning Commission Chair for certification. If any questions arise as to compliance, however, the plan shall be referred to the Planning Commission.
- C. *Certification.* Upon certification of approval by the Planning Commission Chair, County staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer, and return the original plan tracing to the developer.
- D. *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:
  - 1. The title shall indicate the plan as a minor amendment;
  - 2. A note shall be added listing the exact nature of the requested changes;
  - 3. The following will be required language for the Planning Commission Chair's certification: "I do hereby certify that this development plan amendment complies with zoning ordinance provisions regarding amendments to development plans."
  - 4. Owner of interest will complete a certification to be signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as My (Our) development plan for the property," which will be required language for all property.

*XVIII. Relationship to subdivision regulations.* The relationships between development plans and the subdivision regulations are established as follows:

- A. *Applicability of Subdivision Regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards

contained within the subdivision regulations shall be applied to proposals contained on the development plan.

- B. *Combining Plans.* Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the applicant and the Planning Commission to combine requirements for development plans and preliminary subdivision plats in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:
1. The developer shall meet with County staff no later than five working days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.
  2. The plan shall show all information required for a development plan (preliminary or final as appropriate) and all information required for a preliminary subdivision plat as set forth in the subdivision regulations.
- IV. *Substitution of Plans.* A preliminary or final subdivision plat may be submitted for development plans required in conjunction with map amendment requests. It is recognized that in certain cases a preliminary or final subdivision plat would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than would be a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, and requirements for placement of structures within the zone, and where the applicant sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When an applicant is required to provide a development plan in conjunction with a zoning map amendment request, the applicant may file a subdivision plat in place of the development plan, if deemed appropriate by the County. In any disputed case, the County shall make the final judgment as to whether a development plan or a subdivision plat is required.