



## City of Fulton Planning & Zoning Board

101 Nelson Tripp Place PO Box 1350  
Fulton, Kentucky 42041  
City Hall (270) 472-1320



# Zoning Change Request Checklist

**APPLICATION FILED** Date Filed: \_\_\_\_\_

Application for Zoning Change Completed and Filed with City Clerk forty five days before the desired zoning change date. This should be accompanied by a review fee of \$35 dollars.

**DRAWINGS & PLAN SUBMISSION** Date Filed: \_\_\_\_\_

Applicant is required to attach with application three (3) copies of survey plat and description of property, prepared by a registered land surveyor, showing all improvements and adjoining property owners (names, address, and telephone number in full). If property is jointly owned, list all property owners. Drawings and plan submission should be drawn to scale appropriate to the size and nature of the project and shall show the proposed dimensions, size, location and arrangement of the following: Buildings, Parking areas, arrangement and number of parking spaces, entrance and exit roads (with relation to existing streets and alleys), setback lines, permanent open spaces, separation strips and landscaped areas, approximate north and scale, acreage of land within the project, boundary lines of the project (including distances), existing and proposed easements and their locations (including widths and distances), streets on and adjacent to the project area with names and widths, utilities on and adjacent to the project. Further documentation should include surrounding property owner's support of the change and data for community economic justification.

**SIGNAGE POSTED** Date Completed: \_\_\_\_\_

A sign posted for fourteen (14) consecutive days immediately prior to the hearing. KRS 100.212(1). At the owners' expense a sign shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows: (a) the sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission.

**PUBLICATION OF A LEGAL ADVERTISEMENT**: Date Published: \_\_\_\_\_

At the owners' expense a publication of a legal advertisement is required between seven (7) and twenty-one (21) days prior to the date of hearing pursuant to KRS Chapter 424.

**MAIL NOTIFICATION ADJOINING PROPERTY OWNERS** Date Mailed: \_\_\_\_\_

At the owners' expense letters sent by first-class mail to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. This notice must be sent at least fourteen (14) days in advance under KRS 100.212(2), with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. KRS 100.212 requires a fourteen (14) day mail notice of a proposed map amendment to the planning commission of an adjacent planning unit. If no adjacent planning unit exists such notice must be mailed to the mayor of an adjacent city or to the judge/executive of that county, if the adjacent property lies in an unincorporated area.

If the planning commission or legislative body is initiating a zone change, the owners of the properties involved must be notified at least thirty (30) days in advance. KRS 100.211(6).

**ATTORNEY OR EXPERT WITNESSES NOTIFICATION** Date Received: \_\_\_\_\_

The petitioner must provide a list of representing attorneys or expert witnesses. It is always important that the attorney "qualify" the expert for the record with a written listing of his or her credentials and background. Even if the planning commission or board of adjustment is familiar with the expert, a reviewing court may not be. An expert witness must remain available for cross-examination during the entire hearing so that his or her testimony will not be subject to being struck.

**PUBLIC HEARING SCHEDULED** Date Scheduled: \_\_\_\_\_

A public hearing is required to be held by the planning commission on all zone change requests. KRS 100.211(1). A majority of the quorum of the planning commission is required to make a recommendation to the legislative body. KRS 100.211(1). If the planning commission reaches a tie vote, it has thirty (30) days to obtain a majority. If after that period the tie is not broken, the zone change is reported to the legislative body with no recommendation KRS 100.211(1).

**HEARING FINDINGS ZONE CHANGE REQUIREMENTS** Date of Hearing: \_\_\_\_\_

KRS 100.213 states that a zone change can only be granted in any of the following three circumstances:

1. If the proposal is in agreement with the community's comprehensive plan, KRS 100.213(1);
2. If there have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the comprehensive plan and that have substantially altered the basic character of the area, KRS 100.213(1)(b); or
3. If the existing zoning of the property is inappropriate and the proposed zoning is appropriate, KRS 100.213(1)(a).

The planning commission or legislative body must make findings to support these conclusions.

**CITY COMMISSION MEETING AND FINAL DECISION** Date of Meeting: \_\_\_\_\_

Final authority over zone changes is vested in the local legislative body under KRS 100.211. It shall take a majority "of the entire legislative body" to override the recommendation of the planning commission, and a majority of the entire legislative body to take action on a case that is sent to it with no recommendation.