



City of Fulton Planning & Zoning Board

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



Date:02-27-2020

Time:05:30 PM

Meeting Agenda

Public Hearing

*Location:
Fulton City Hall
Commission
Room*

- Call to Order
- Roll Call
- Discussion of Proposed amendment to the City of Fulton zoning ordinances regarding location of religious worship centers and ancillary buildings in all zone contingent on a conditional use permit granted by Board of Zoning Adjustments.
- Public Comments in regards to proposed zoning changing.
- Entertain a motion to adjourn

City Manager
MEMORANDUM

TO: *Fulton Planning and Zoning Commission*

FROM: *Mike Gunn, City Manager*

DATE: *February 5, 2020*

RE: *Request for Zoning Ordinance Amendment to Allow Religious Worship Centers in All Zones*

Code Enforcement and the City Manager's Office are requesting that you review the attached documents for discussion at a public hearing as posted on the notice and agenda attached.

In recent months we have ran into some conflicts with properties that were in desire to be purchased and a place of religious worship built on those properties. In review of the 1974 Zoning Ordinance these would only be allowed in certain zones under conditional uses permits. Those zones would be R1, R2, R3, & Service Districts.

In further review looking at zoning trends across the Commonwealth and the U.S. we found:

- Thinking about the 1930s to 1970's when many U.S. cities initiated zoning, many households walked to worship services, and it wasn't considered disruptive at all to have a place of worship in a residential district.
- To deal with traffic and commotion, many municipalities have started to add stipulations to the still-prevalent practice of allowing church zoning in residential districts. Most common among these would be requiring a conditional use permit.
- Some courts have held that congregations are virtually immune to the restrictions of municipal zoning. Others imply that churches are perfectly appropriate in all zoning districts and cannot be banned.
- When looking at churches in commercial zones Sunday morning services are great for enhancing the principle of 24/7 activity in a commercial area that lacks activity on the weekends, but congregations also might be help fill evening hours.
- Adaptive re-use of other buildings, including empty big box stores or strip centers, also is a great contribution a place of worship could make to their community.
- In sum, we felt it best to allow religious worship centers in all zoning districts; while also requiring a conditional use permit to ensure it would not be detrimental to the specific zone.

City of Fulton, Kentucky
Zoning Ordinance Change Hearing Notice

Public notice is hereby given to all persons in the City of Fulton, Kentucky that a public hearing will be conducted on Thursday February 27, 2020 at 5:30 PM at City Hall to solicit comments on the City's change to the 1974 Zoning Ordinances.

All persons interested are invited to attend this hearing and be heard. Written comments will be accepted through Tuesday, February 25, 2020 by 4:00 PM and may be submitted to:

Fulton City Clerk
Fulton City Hall
P.O. Box 1350
101 Nelson Tripp Place
Fulton, Kentucky 42014

A copy of the proposed changes can be reviewed at Fulton City Hall, 101 Nelson Tripp Place, at the City Clerk/Manager's Office during normal business hours, 8:00 am – 4:00 pm, Mon – Fri. Or you may also review a copy on the website at www.fulton-ky.com

David Ware, Chairman
City of Fulton Planning Commission

ORDINANCE 2020-_____

An Amendment to The City of Fulton Zoning Ordinance June 1974, All Articles to reflect the approved conditional use for all zones for religious worship centers and ancillary buildings contingent on a conditional use permit granted by Board of Zoning Adjustments all other ordinances or parts of laws in conflict herewith are hereby repealed.

WHEREAS, it is the intent of the City Commission of the City of Fulton, Kentucky to utilize the authority granted in KRS 100.201 thru 100.991 an Act relating to planning and zoning and also use the authority granted in KRS 100.348.

WHEREAS, it is the intent of the City Commission of the City of Fulton, Kentucky to encourage the accommodation of location of religious worship centers and ancillary buildings in all zones.

WHEREAS, it is the intent of KRS 100.348 to recognize and affirm that the protection of the integrity of zones within the city is a legitimate issue to local governments and the enactment of regulations designed to protect those zones is a proper exercise of local government legislative power and based on the recommendation from the City of Fulton Planning and Zoning Commission.

NOW THEREFORE be it ordained by the City Commission of the City of Fulton, Kentucky as follows:

ARTICLE 4 SECTIONS 4.1.1 (c); 4.1.2 (c); 4.1.3 (c); 4.2.1 (d); 4.2.2 (d); 4.2.3 (d); 4.2.4 (e); 4.3.1 (e); 4.3.2 (e); 4.4.1 (d); CONDITIONAL USES

Under each approved conditional use the word Church be repealed and replaced or added to read Religious Worship Centers and Ancillary Buildings.

ADOPTION AND PUBLICATION

That this Ordinance shall be put before the Commission and shall be effective upon its second reading, adoption and publication as required by law.

First Reading: _____

Second Reading: _____

Publication Date: _____

Helen Lee, City Clerk

David Prater, Mayor