

ORDINANCE NO. 2009-03

AN ORDINANCE RELATING TO REZONING OF CERTAIN PROPERTY LYING WITHIN THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION ONE: The recommendation of denial made by the Bullitt County Planning Commission concerning the rezoning request of David Dwayne Gibson from (R-1) Residential to (B-2) Central Business is overridden based on the information contained in the record submitted to the City Council of the City of Pioneer Village by the Bullitt County Planning Commission; therefore, the rezoning request is approved for the property described as follows:

Lot Number Forty-Nine (49) as shown on plat of Pope Subdivision recorded in Deed Book 85 Page 29 in the office of the Clerk of Bullitt County, Kentucky.

There is also included right to use of road from above property to Kentucky State Highway Number 61 and owners of each lot shall bear expense of construction of traffic bound road along this lot and one-half if his lot is opposite another using said road. No residence to cost less than \$5,000.00.

BEGINNING at a point in the Southeast corner of Lot 49, Pope Subdivision, Plat recorded in Deed Book 85, Page 29, in the west line of Wendy Hill Drive; thence S 10° E 120 to an old pipe; thence S 83° 15' W 303.2 feet (for S 85° W 306 feet) to an old pipe; thence N 0° 30' E 116.4 feet (for N 1° E 120 feet); thence N 82° 30' E (for No 85° E) 280 feet to point of beginning and being Lots 50 and 51 of Pope Subdivision plat of which is recorded in Deed book 85, Page 29, in the office of the Clerk of the Bullitt County Court.

There is also included right to use of road from above property to Kentucky State Highway No. 61 and owners of each lot shall bear expense of construction of traffic bound road along this lot and one-half if his lot is opposite another using said road. No residence to cost less than \$5,000.00.

The following legislative facts are established in the records of the Planning Commission and the records of the City of Pioneer Village, which were incorrectly provided to the members of the Bullitt County Planning Commission:

- a) Although no commercially zoned real estate directly adjoins this real estate, the use of the real estate adjoining this property along its west property line has been used for a commercial purpose for more than ten (10) years as required by KRS 100.253(3) to be a permitted non-conforming use.
- b) There is commercially zoned real estate in the immediate area, which have previously been approved by the Pioneer Village City Council, which was recommended by the Bullitt County Planning Commission being:
 - 1) Martin A. Riedling Sr. (R-1) Residential to (B-1) Highway Business, 1.95 acres, Ordinance No. 96-04.
 - 2) Martin Riedling (R-1) Residential to (B-1) Highway Business, 1.071 acres, Ordinance 02-003
 - 3) Phillip Radford, (R-1) Residential to (B-1) Highway Business 0.49 acres Ordinance 04-002
- c) Pierce Hardy Limited Partnership, Carl & Shirley Wilkerson from (B-2) Central Business to (IL) Light Industrial, 6.54 acres, Ordinance 95-004
- d) Mini's U-Stuff-It Self Storage, Inc. (B-1) Highway Business and (B-2) Central Business to (B-2) Central Business and (IL) Light Industrial, 1.03 acres and 5.00 acres, Ordinance 96-02.
- e) The requested rezoning is in conformity with the Bullitt County Comprehensive Plan:
 - 1) Commercial and Industrial Land Use
 - 2) Recommended Development Plan Guideline (1) (2) (3)
- f) The City Council believes that the provisions of Section 8.301 as amended by T-2-82 is applicable in this case, not the interpretation applied by the Planning Commission.

SECTION TWO: This Ordinance shall take effect upon publication.

SECTION THREE: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION FOUR: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.


Given first reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 23rd day of June, 2009. Given second reading, voted upon, and passed at a special meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 30th day of July, 2009. Readopted and Reaffirmed at a special meeting of the City Council of the City of Pioneer Village on the 11th day of August, 2009.

Votes for 5; Votes against 1; Not Voting .



GARY HATCHER, MAYOR

ATTEST:



REEKA DANIELS, CITY CLERK