

CITY OF MIDDLETOWN  
MUNICIPAL ORDER NO. 1-12-2023-D  
A MUNICIPAL ORDER RELATING TO A ZONING CHANGE FROM R-4 TO OR-3  
WITH DETAILED DISTRICT DEVELOPMENT PLAN AND WAIVER ON  
PROPERTY LOCATED AT 200, 250 AND 13309 URTON LN. IN THE CITY OF  
MIDDLETOWN

WHEREAS, the City has received a request for approval for a zoning change and detailed district development plan with a waiver known as Case No. 21-ZONE-0157.

WHEREAS, the Planning Commission has issued a recommendation to the City of Middletown that the rezoning application in Case No. 21-ZONE-0157 should be approved by the City of Middletown,

AND WHEREAS, after the issuance of the recommendation of the Planning Commission and before the action of the City of Middletown on that application, the Applicant has informed the City of Middletown that is wishes to withdraw their application for rezoning in Case No. 21-ZONE-0157,


NOW THEREFORE, BE IT ORDERED BY THE CITY OF MIDDLETOWN:

**Section 1.** That the City of Middletown hereby finds that the Applicant has withdrawn its application for rezoning for Case No. 21-ZONE-0157, prior to the action of the City of Middletown. The City of Middletown finds that because the Applicant has withdrawn its application, there are no facts, plans, application, applicant, request for rezoning, Land Development Plan Compliance, nor any findings of fact upon which to base any action by the City of Middletown Commission. In effect, the withdrawal of the application has removed all the legal basis for the action of the City of Middletown and there is no longer even a request for a rezoning to approve, nor to deny. The City of Middletown is aware of the 90-day time period required for final action on a Planning Commission recommendation under KRS 100.211. However, the appropriate action is for the City of Middletown to refer Case No. 21-ZONE-0157 back to the Planning Commission under the authority of LDC Section 11.7.5F for further review and to either vacate its recommendation or to take other action as it deems appropriate within the 90-day period of 100.211.

Adopted this 12 day of January, 2023.

  
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J. Byron Chapman, Mayor

ATTEST:

  
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Marianne Butler, City Clerk

Those in Favor:  
Those Opposed:

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