

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-9-21**

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE 11.82 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE U.S. 42/FARMVIEW DRIVE INTERSECTION AND THE SOUTHEAST CORNER OF THE OLD U.S. 42/FARMVIEW DRIVE INTERSECTION, FLORENCE AND UNION, KENTUCKY, TO ALLOW EATING AND DRINKING ESTABLISHMENTS AND COMMERCIAL USES, INCLUDING DRIVE-THROUGH FACILITIES, ELDERLY HOUSING FACILITY, MULTI-FAMILY HOUSING, MEDICAL OFFICES AND A CAR WASH, AND TO MODIFY PREVIOUS CONDITIONS OF APPROVAL CONCERNING ARCHITECTURAL DESIGN AND TO PERMIT A 50 FOOT MAXIMUM BUILDING HEIGHT ON THE ENTIRE SITE.**

**WHEREAS**, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

**WHEREAS**, the Boone County Planning Commission by Resolution No. R-21-006-A recommended approval for a change in a concept development plan, and

**WHEREAS**, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:**

**SECTION I**

That the request of Farmview Commons LLC (Applicant) for Erps, Inc. (Owner) for a Change in Approved Concept Development Plan for an approximate 11.82 acre site, currently zoned Commercial Two/Planned Development (C-2/PD), located on the Northeast Corner of the U.S. 42/Farmview Drive Intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, to allow eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

## **SECTION II**

The approval of this change to the concept development plan is granted subject to the terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-21-006-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

## **SECTION III**

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference.

## **SECTION IV**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-21-006-A, marked Exhibit "A", and attached hereto.

## **SECTION V**

If the approval for this change in the concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

**SECTION VI**

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 8<sup>th</sup> DAY OF JUNE, 2021.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED  
THIS 22<sup>nd</sup> DAY OF JUNE, 2021.

APPROVED:

/s/ Diane E. Whalen  
Diane E. Whalen, Mayor

ATTEST:

/s/ Melissa Kramer  
Melissa Kramer, City Clerk