

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-12-21**

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE AND OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD) ZONE FOR A .9703 ACRE SITE LOCATED AT 8747 U.S. 42, FLORENCE, KENTUCKY, TO MODIFY A PREVIOUS CONDITION OF APPROVAL REGARDING THE LOCATION OF A DRIVE-THROUGH MENU BOARD SIGN. (KEN BUTLER/JIMMY JOHNS)**

**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-21-017-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 Ken Butler (Owner) for a change in a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) Zone and Office One/Planned Development (O-1/PD) Zone, for a .9703 acre site located at 8747 U.S. 42, Florence, Kentucky, to modify a previous condition of approval regarding the location of a drive-through menu board sign, 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-21-017-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

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-21-017-A, marked Exhibit “A”, and attached hereto.

**SECTION IV**

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 V**

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

PASSED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF AUGUST, 2021.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24<sup>th</sup> DAY OF AUGUST, 2021.

APPROVED:

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

ATTEST:

/s/ Melissa Kramer  
Melissa Kramer, City Clerk