

# EXHIBIT

## B

## LONG RANGE PLANNING/COMP PLAN COMMITTEE REPORT

#6

**TO:** Boone County Planning Commission

**FROM:** Bob Schwenke, Chairperson

**DATE:** November 2, 2022

**RE:** Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement ***Our Boone County Plan – Plan 2040***. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

### REMARKS:

- A. We, the Committee, recommend to the full Boone County Planning Commission that the proposed amendments to the current zoning regulations and zoning map, or the "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" be approved and recommended for adoption by the Cities of Florence, Union, and Walton, and the Boone County Fiscal Court. These documents were presented as exhibits at the September 21, 2022 Public Hearing. The specific Zoning Map Amendments are also outlined on page 7 and 8 of the Staff Report and graphically illustrated in the "2020 Zoning Update Public Hearing Draft Mapping Issues" booklet. These amendments have been prepared in accordance with the Kentucky Revised Statutes, Chapter 100, and are the result of over a year of data collection, staff research and evaluation, public official input, nine (9) meetings of the Long Range Planning/Comprehensive Plan Committee, public workshops that were held in March 2020 and May 2022, and a public hearing.
- B. The proposed amendments, when adopted, will replace the current Boone County Zoning Regulations and the Boone County Zoning Map. When adopted, the proposed amendments implement some of the recommendations of Our Boone County – Plan 2040, which serves as "a tool for the management of growth and development in Boone County." The above recommendation is based upon the following finding of fact and is subject to the following amendments or changes to the text of the zoning regulations that are proposed by the Long Range Planning/Comprehensive Plan Committee as a result of the testimony and evidence given at the September 21, 2022 Public Hearing. Furthermore, the current Boone County Zoning Regulations and Boone County Zoning Map will remain in full force and in effect until the new text and maps have been adopted by each of the legislative units.
- C. The Committee has reviewed all of the testimony and evidence given at the Public Hearing. At this time, the Committee is recommending approval of the proposed text and map amendments referenced in this report. This approval does not prohibit changes to the zoning text and map in the future based upon an individual application, a specific land use study, or the request of a legislative unit.

FINDINGS OF FACT:

- A. The proposed "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" are in agreement with the previously adopted Goals and Objectives and the 7 Elements of the adopted comprehensive plan: Our Boone County – Plan 2040. References to the Comprehensive Plan are made in the Staff Report.
- B. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has proposed the following changes or amendments to the text of the "2020 Zoning Update Public Hearing Draft". All of the proposed changes are based upon the written evidence and testimony made at the Public Hearing. The zoning text amendments adopted by the Planning Commission, including the changes summarized below, will be incorporated into the final document upon adoption by the legislative units.
1. Provide for Short Term rentals to be allowed within the City of Walton. Attachment A indicates the proposed text, which is the same as what has previously been adopted by the City of Florence and Boone Fiscal Court.
  2. Add regulations for Data Centers and prohibit crypto-currency mining. Attachment B indicates the proposed text.
  3. Add 'Recreation, Active' as a principally permitted use in the C-4 district. Attachment C indicates the proposed wording.
  4. Add 'School' as a conditional use in the I-1 district. Attachment D indicates the proposed wording.
  5. Add 'College and University' as a principally permitted use in the I-1 district. Attachment D indicates the proposed wording.
  6. Prohibit 'School' within the I-3 district. Attachment D indicates the proposed wording.
  7. Add 'School' as a principally permitted use in the PF district. Attachment E indicates the proposed wording.
  8. Modify the Accessory Dwelling Unit regulations to differentiate between an accessory dwelling unit that is within the principal structure and one that is in a free standing structure and reduce the minimum lot size for accessory dwelling units when that unit is within the principal structure. Attachment F indicates the proposed wording.
  9. Modify the parking requirements for Short Term Rentals to differentiate between a short term rental within a portion of a dwelling or the entire

dwelling. Attachment A indicates the proposed wording.

- C. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended approval of the following changes or amendments to the zoning map. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. Map ID 120

- a. An approximate 13.5 acre area located at 10830 Big Bone Church Road, approximately 1,200 feet south of Big Bone Church Road.
- b. The property owner has requested that this site be rezoned from A-2 to A-1
- c. The 2040 Future Land Use Map identifies the site for Rural density Residential Uses, which has a maximum intensity of one (1) dwelling unit per acre.
- d. The proposed A-1 district will place all the structures on the property within the same zoning district.

- D. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended denial of the following changes or amendments to the zoning map. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. Map ID 75 and Map ID 101

- a. Staff has identified these properties to be rezoned from A-1, SR-1/SC, and I-1 to CONS because they are owned by the Boone County Conservancy.
- b. The Boone County Conservancy has requested that the zoning of these properties not be changed since their Board has not had sufficient time to evaluate the consequences of such a change.

2. Map ID 105

- a. The proposed RSE or RS district is not consistent with the 2040 Future Land Use Map which identifies the area for Rural Land, which has a maximum intensity of one (1) dwelling unit per two (2) acres.
- b. The proposed RSE district has a maximum intensity of one (1) dwelling unit per acre and the RS district has a maximum intensity of three (3) dwelling units per acre
- c. The existing A-2 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted



comprehensive plan and which have substantially altered the basic character of such area.

3. Map ID 106

- a. The proposed A-2 district is not consistent with the 2040 Future Land Use Map which identifies the area for Industrial uses.
- b. The proposed A-2 district is inappropriate in that the A-2 district will allow residential and agricultural uses in an area recommended for industrial uses.
- c. The existing I-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- e. Agricultural activity can take place on the site since it meets the criteria found in KRS 100.111(2).

4. Map ID 109

- a. The proposed I-1 district is not consistent with the 2040 Future Land Use Map which identifies the area for Urban Density Residential uses.
- b. The proposed I-1 district is inappropriate in that the I-1 district will allow industrial uses in an area recommended for residential uses.
- c. The existing UR-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

5. Map ID 113

- a. While the existing I-1 district may not be consistent with the 2040 Future Land Use Map which identifies the area as Developmentally Sensitive, the proposed UR-1 district is also not consistent with the comprehensive plan.
- b. The proposed UR-1 district is inappropriate in that it is part of a larger area currently zoned I-1.
- c. The existing I-1 district is appropriate since the remainder of the property to the north and east of the site is currently zoned I-1.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

6. Map ID 116

- a. The proposed A district is not consistent with the 2040 Future Land Use Map which identifies the area for Rural Density Residential and Business Park uses.
- b. The proposed A district is inappropriate in that the A district will allow transportation related uses in an area recommended for residential and commercial uses.
- c. The existing A-2 and C-1 districts are appropriate since they are generally consistent with the 2040 Future Land Use Map.
- d. This 2040 Future Land Use Map identifies the airport for Transportation uses. This designation does not extend north of I-275.
- e. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

7. Map ID 119

- a. The proposed I-1 district is not consistent with the 2040 Future Land Use Map which identifies the area for Suburban Density Residential and High Suburban Density Residential uses.
- b. The proposed I-1 district is inappropriate in that the I-1 district will allow industrial uses in an area recommended for residential uses.
- c. The existing UR-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

E. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended that Map ID 10 not remain within the C-2 district and that the area should be rezoned to the RSE district. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. The existing C-2 district is not consistent with the 2040 Future Land Use Map which identifies this area for Rural Density Residential uses of up to one dwelling unit per acre. The existing C-2 district will allow commercial development to occur within area recommended for residential uses.
2. The proposed RSE district is appropriate due to the fact that: (1) it is consistent with the comprehensive plan; (2) the area is part of the two lots that front onto Miller Court and the front portion of these lots, where the houses are located, are part of a larger area that is currently zoned RSE; (3) the area does not have any frontage onto Petersburg Road, and while the area does have frontage onto Bullittsville Road, the lots would have to be split in order to accommodate commercial development; and (4) the area along the northeast side of Petersburg Road, at the intersection with Graves Road, is identified for

commercial use and is adequate in area to provide for the commercial needs of the area.

## CONCLUSION

The Committee has determined that the modifications stated above clarify the "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" and are based upon the testimony and evidence presented at the Public Hearing. Both the proposed text and map are necessary to assure timely implementation of the comprehensive plan Our Boone County – Plan 2040. In addition, the proposed zoning text and map represent a refinement and improvement of the current zoning regulations and map. The above recommendation is being forwarded to the Boone County Fiscal Court and the cities of Florence, Union, and Walton.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Long Range Planning/Comprehensive Plan Committee vote.



ATTACHMENT A

PROPOSED AMENDMENT FOR SHORT TERM RENTAL

(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions

Section 4000 Interpretation of Terms and Words

Short Term Rental: The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

1. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
2. A bed and breakfast.
3. A hotel/residence hotel.

(This definition applies to Unincorporated Boone County and the cities ~~city~~ of Florence and Walton only)

B. Article 31 Supplemental Performance Standards

Section 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the Cities ~~City~~ of Florence and Walton Only)

1. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
  - a. There shall be a maximum occupancy of ten (10) persons, adult and children.
  - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. Parking requirements shall be as follows:
  - a. When the short term rental is located in a portion of the dwelling units, two (2) parking spaces shall be provided for the residence and in addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite.
  - b. When the short term rental is located within the entire dwelling unit, a minimum of one parking space shall be provided per guest room or suite.
  - c. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.



6. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
8. It shall be unlawful:
  - a. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
  - b. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
  - c. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City of Walton. (Applies to the City of Walton Only)
  - d. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
  - e. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
  - f. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
  - g. To operate a short term rental without paying the required hotel occupancy taxes.
  - h. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)

C. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.2 Use/District Matrix – Residential Districts

- C. The following footnotes are used in the table:
1. "1" means it does not apply in the City of Florence.
  2. "2" means it applies only in the City of Florence:

3. "3" means it applies only in the City of Walton.
4. "4" means it applies only in Unincorporated Boone County.
5. "5" means it applies only in the City of Florence and Unincorporated Boone County.
6. "6" means it applies only in the Cities of Florence and Walton and Unincorporated Boone County.

Table 5-3  
 Agricultural, Recreation, and Conservation Districts

Use/District	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Short Term Rental	C <sup>46</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	-	C26	Sec. 3191

Table 5-6  
 Agricultural, Recreation, and Conservation Districts

Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Short Term Rental	-	-	see Art. 20	P <sup>5</sup>	C <sup>3</sup>	-	P <sup>4</sup>	-	-	-	-	Sec. 3191

ATTACHMENT B  
PROPOSED AMENDMENT FOR DATA CENTERS  
(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions  
Section 4000 Interpretation of Terms and Words

Data Center. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.

B. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.4 Use/District Matrix – Employment Districts

Table 5-5  
Employment Districts

Use/District	O-1	O-1A	I-1	I-2	I-3	I-4	Use Standards
<u>Data Center</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>Sec. 3163</u>

C. Article 31 Supplemental Performance Standards  
Section 3163 Regulations For Data Centers

A. In addition to any other regulation contained herein, all data centers shall meet the following requirements:

1. All operations shall be conducted in a completely enclosed building.
2. All equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators and emergency power supply equipment, shall be contained within the enclosed building where the use is located.
3. Any electric wiring shall be located underground, except where such wiring is brought together for interconnection to system components and/or the local utility power grid.
4. The sound level allowed at the site boundary shall not exceed eighty (80) decibels.
5. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers shall be prohibited.

6. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto-currencies, such as Bitcoin, shall be prohibited.



ATTACHMENT C  
PROPOSED AMENDMENT FOR RECREATION, COMMERCIAL  
(words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.3 Use/District Matrix – Commercial Districts

Table 5-5  
Employment Districts

Use/District	C-1	C-2	C-3	C-4	Use Standards
Recreation, Commercial	-	P	P	<u>P</u>	Sec. 905.7 Sec. 906.6 Sec. 907.6 Sec. 908.6 Sec. 909.6

ATTACHMENT D  
PROPOSED AMENDMENT FOR SCHOOL AND COLLEGE AND UNIVERSITY  
(words to be added are underlined, words to be deleted are lined through)

A. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.4 Use/District Matrix – Employment Districts

Table 5-5  
Employment Districts

Use/District	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
School	-	-	-	<u>C</u>	-	<del>C</del>	-	
College and University	-	-	-	<u>P</u>	-	C	-	

ATTACHMENT E  
PROPOSED AMENDMENT FOR SCHOOL  
(words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.5 Use/District Matrix – Public Facility, Airport, Small Community  
Overlay, and Special Study Districts

Table 5-5  
Employment Districts

Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
School	<u>P</u>	-	see Art. 20	P	-	-	P	-	-	-	-	

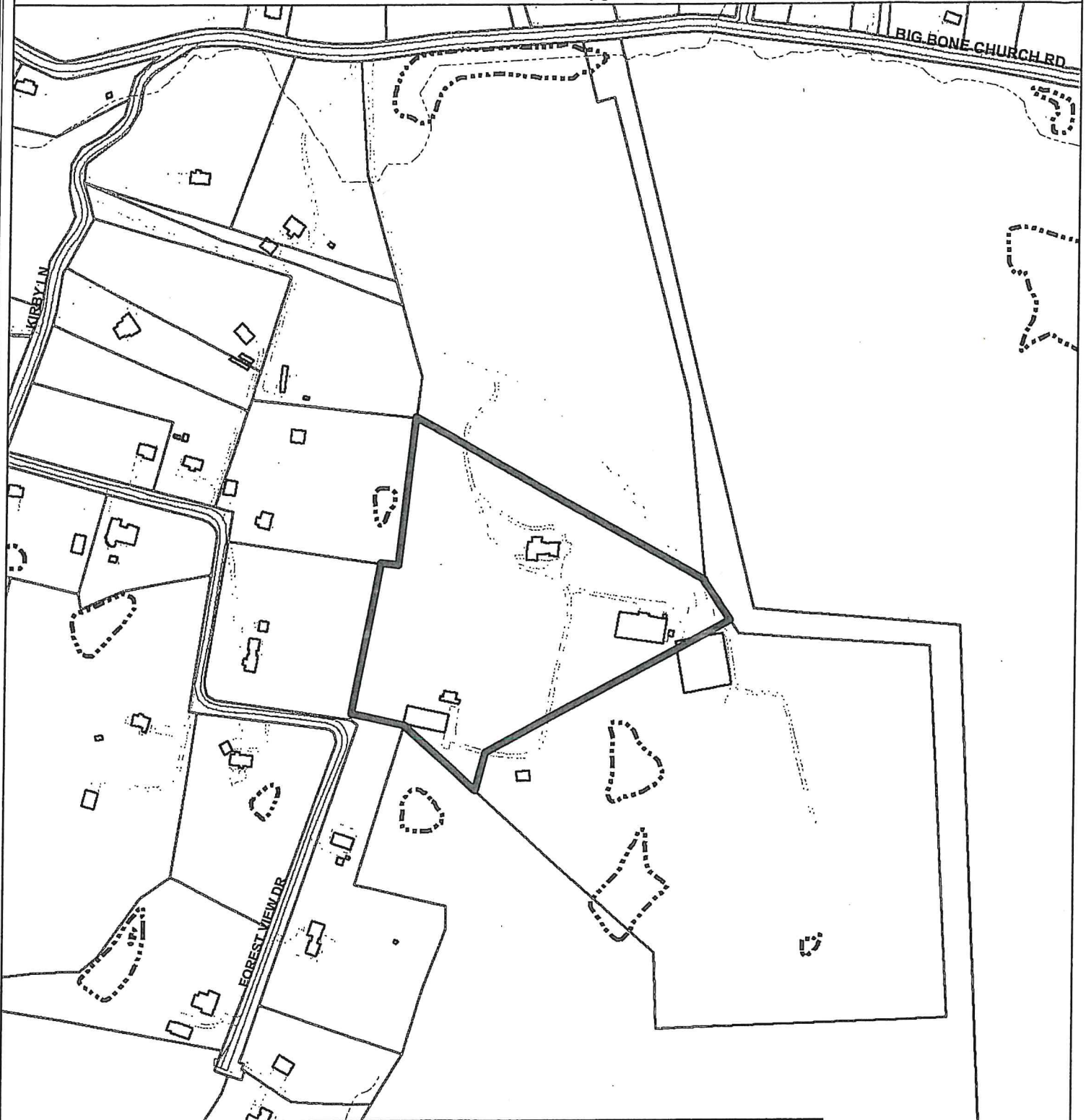
ATTACHMENT F  
PROPOSED AMENDMENT FOR ACCESSORY DWELLING UNITS  
(words to be added are underlined, words to be deleted are lined through)

- A. Article 31 Supplemental Performance Standards  
Section 3114 Accessory Dwelling Unit Regulations
- A. Where allowed, accessory dwelling units shall meet the following requirements:
1. Shall only be allowed for detached single family dwellings that are not patio homes.
  2. Only one (1) accessory dwelling unit per lot shall be allowed.
  3. When located within an accessory structure, shall ~~Shall~~ only be allowed on lots having an area that are a minimum of 1.5 times the minimum lot area of the district in which it is located.
  4. Shall not occupy more than thirty-five percent (35%) of the total floor area of the principal structure.
  5. When located within a single family residence, an accessory dwelling unit shall either: (a) use an existing entrance for access; or (b) use a new entrance for access that is only located on the rear or side of the structure. The construction of an additional exterior ingress/egress doorway on the front or corner side of the structure shall be prohibited.
  6. When located within an accessory structure, an accessory dwelling unit shall be a Conditional Use within the RS, SR-1, SR-2, SR-3, R-1F, UR-1, UR-2, or UR-3 districts.
  7. When located within the SC, WD, or GR-R districts, the principal dwelling unit, together with the accessory dwelling unit, shall not exceed the maximum permitted density for the district in question.
  8. In addition to the required parking for the residence, a minimum of one (1) additional parking space shall be provided.



# Boone County GIS Map

www.boonecountygis.com



Map ID:	120	From:	A-2	Legislative Body:	Boone
Submitted By:	Erin McCarthy	To:	A-1		

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0 205 410 820 1,230 1,640 Feet

1 Inch = 400 feet

**Boone County GIS - Putting Northern Kentucky on the Map**

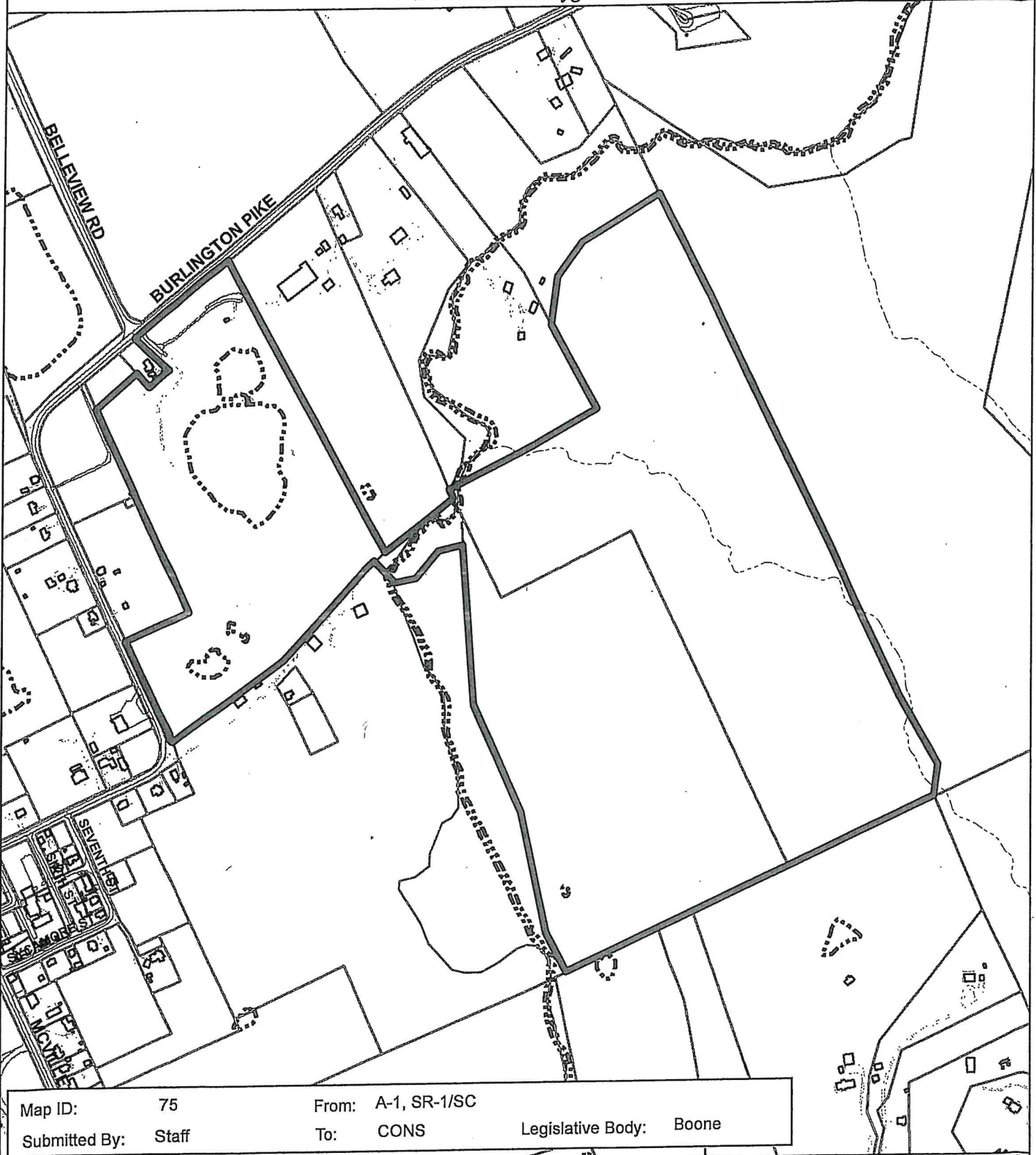


Map Created: 01/01/2018

ArcMap Document: \*.mxd

# Boone County GIS Map

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Map ID: 75  
Submitted By: Staff

From: A-1, SR-1/SC  
To: CONS

Legislative Body: Boone

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1 inch = 700 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



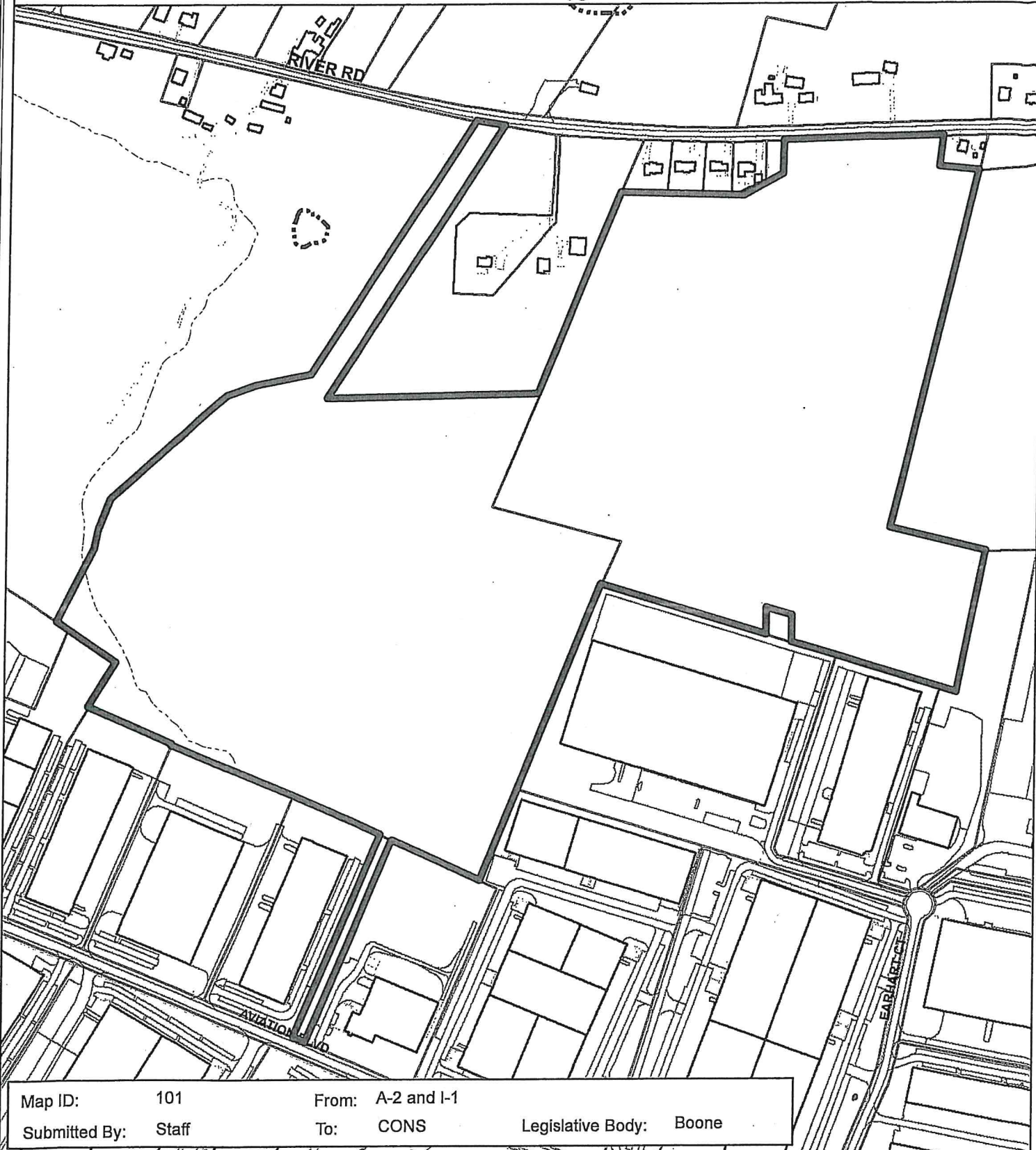
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Map File: Boone County GIS 11/15/17  
ArcMap Document: \*.mxd



# Boone County GIS Map

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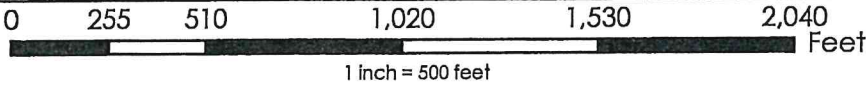
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Submitted By:	Staff	To:	CONS		

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**Boone**



# Boone County GIS Map

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Map ID: 105 From: A-2  
Submitted By: Julie Ward and Harold Walton and Judy Walton Legislative Body: Boone

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Map Created: 01/01/2018

**Boone County GIS**

1 inch = 200 feet



Map File: 01/01/2018  
ArcMap Document: \*.mxd



# Boone County GIS Map

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Map ID:	106	From:	I-1	Legislative Body:	Walton
Submitted By:	Bill Code	To:	A-2		

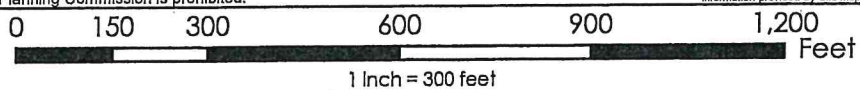
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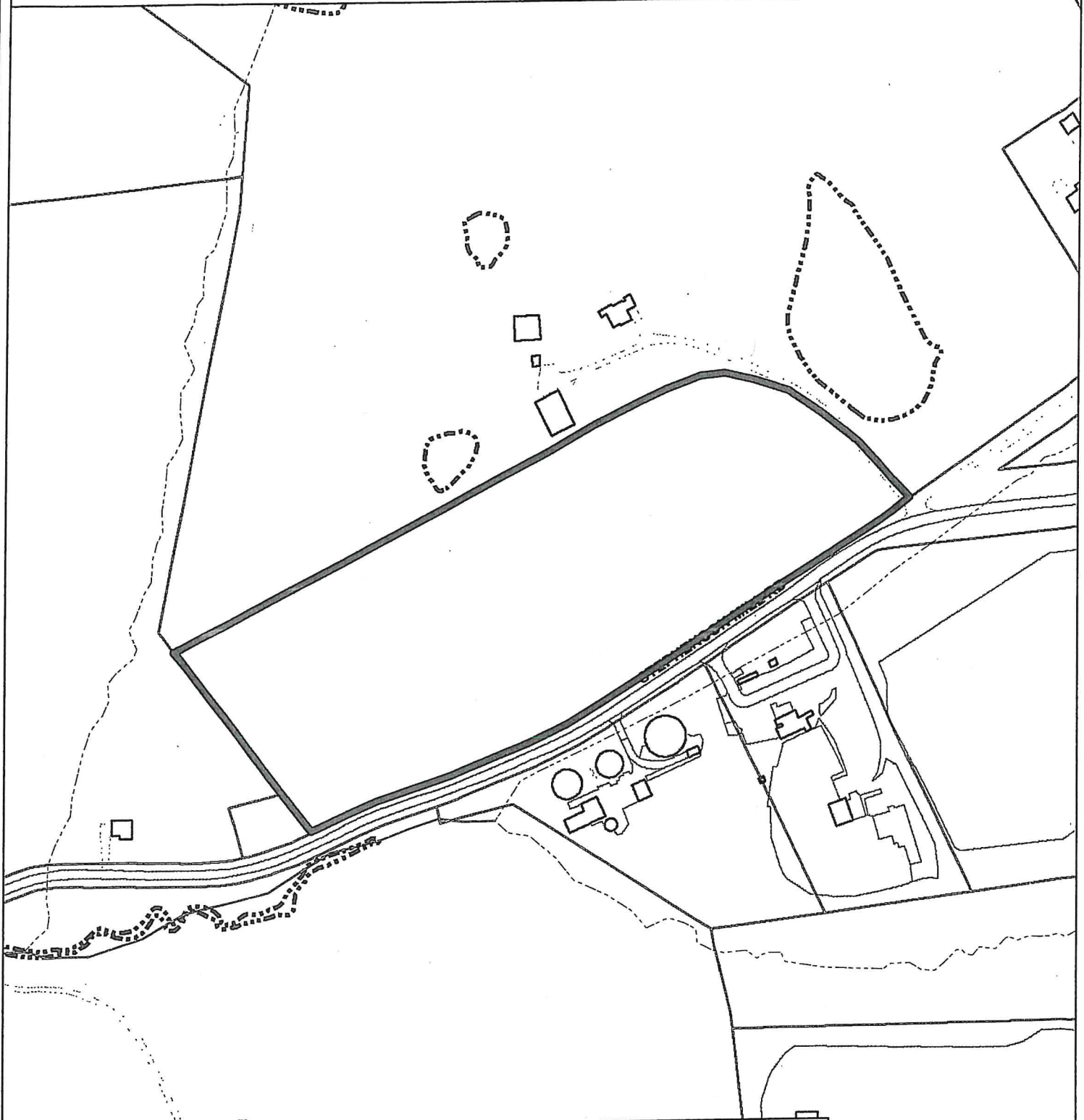
**Boone**



ArcMap Document: \*.mxd

# Boone County GIS Map

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Map ID: 109

From: UR-1

Submitted By: Joe Hayes

To: I-1

Legislative Body: Boone

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0 150 300 600 900 1,200 Feet

1 Inch = 300 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

Map File: C:\GIS\Map\Boone County GIS.mxd  
ArcMap Document: \*.mxd

# Boone County GIS Map

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Map ID:	113	From:	I-1	Legislative Body:	Walton
Submitted By:	Ehmet Hayes	To:	UR-1		

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

**Boone County GIS**



Map Created: 01/01/2018

Map File: Boone County GIS 113.mxd



# Boone County GIS Map

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Map ID:	116	From:	A-2, C-1	Legislative Body:	Boone
Submitted By:	Debbie Conrad	To:	A		

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# Boone County GIS Map

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Map ID: 119

From: UR-1

Submitted By: Ehmet Hays

To: I-1

Legislative Body: Walton

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

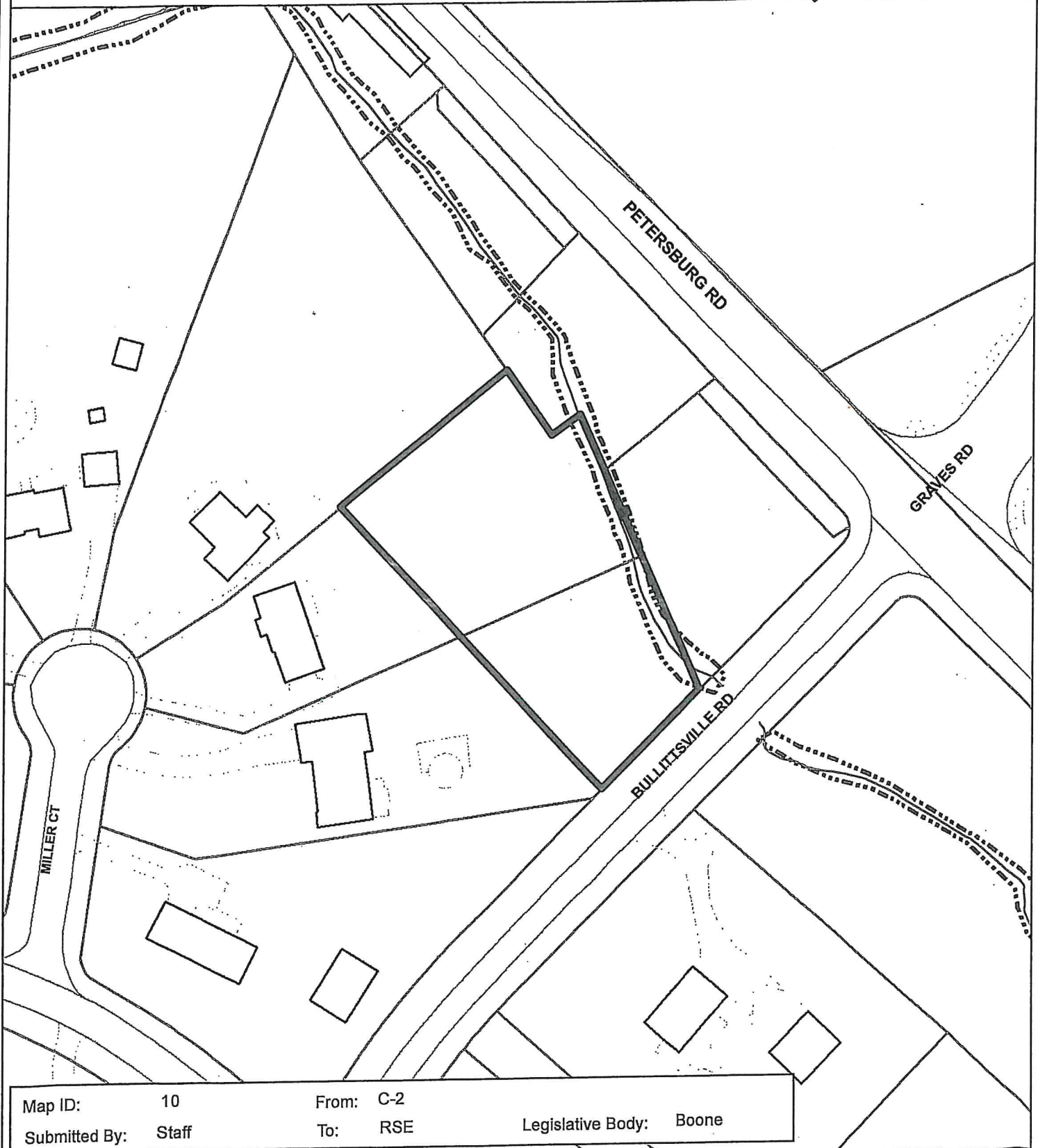
**Boone County GIS - Putting Northern Kentucky on the Map**





# Boone County GIS Map

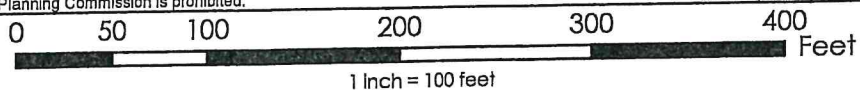
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Map ID:	10	From:	C-2	Legislative Body:	Boone
Submitted By:	Staff	To:	RSE		

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