

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-24-22**

AN ORDINANCE RELATING TO THE APPROVAL AND ADOPTION OF THE 2020 BOONE COUNTY ZONING REGULATIONS (2020 ZONING UPDATE), TEXT AND MAP, AS APPLICABLE TO THE CITY OF FLORENCE, KENTUCKY, THESE ZONING REGULATIONS, INCLUDING TEXT AND ZONING MAP, SERVING AS AMENDMENTS TO THE CURRENT BOONE COUNTY ZONING REGULATIONS, TEXT AND MAP, AND HAVING BEEN PREPARED AND RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION FOR ADOPTION PURSUANT TO THE PROVISIONS OF CHAPTER 100 OF THE KENTUCKY REVISED STATUTES TO UPDATE THE CURRENT ZONING REGULATIONS, TEXT AND MAP, FOR TIMELY AND APPROPRIATE IMPLEMENTATION OF THE 2019 BOONE COUNTY COMPREHENSIVE PLAN THAT IS ENTITLED "OUR BOONE COUNTY PLAN 2040".

WHEREAS, the Boone County Planning Commission is a joint planning commission that serves the joint city-county planning unit of Boone County, Kentucky, established and operating pursuant to Chapter 100 of the Kentucky Revises Statutes, and

WHEREAS, the City of Florence, Kentucky is a member of that joint city-county planning unit served by the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has reviewed and undertaken a county-wide zoning update as a means to determine timely and appropriate implementation of the 2019 Comprehensive Plan that is entitled "Our Boone County Plan 2040" through appropriate amendments to the Boone County Zoning Regulations, text and zoning map, and

WHEREAS, the Boone County Planning Commission has recommended the adoption of the 2020 Zoning Regulations, text and map, as amendments to the current Boone County Zoning Regulations, text and map, as set forth in the Commission's Resolution R-22-029-A, and

WHEREAS, the City of Florence, Kentucky, through its legislative body, the City Council of Florence, has reviewed the 2020 Boone County Zoning Regulations (2020 Zoning Update), including its text and zoning map amendments, as applicable to the City of Florence, Kentucky, and determined they should be approved as set forth herein.

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

SECTION I

That the requirements of Chapter 100 of the Kentucky Revised Statutes having been followed, the 2020 Boone County Zoning Regulations (2020 Zoning Update), text and zoning map, prepared by the Boone County Planning Commission and recommended for purposes of

updating the current 2012-2013 Zoning Regulations, text and map, this 2020 Zoning Update serving as amendments, and providing for the timely and appropriate implementation of the 2019 Boone County Comprehensive Plan entitled “Our Boone County Plan 2040” shall be and they are hereby adopted and approved. The text of the 2020 Zoning Update, text and map, hereby adopted and approved are entitled “The 2020 Boone County Zoning Regulations” and are further identified as being the subject of a public hearing before the Boone County Planning Commission conducted on September 21, 2022 and adopted and recommended by the Boone County Planning Commission through its Resolution R-22-029-A dated November 16, 2022, a copy of the text and map amendments of the “2020 Boone County Zoning Regulations” containing these updates text and map regulations adopted herein are referenced in an electronic digital format on the Boone County Planning Commission webpage or at www.boonecountyky.org/pc, the text being marked as Exhibit “A” and the zoning map amendments being marked as Exhibit “D”, both of which are incorporated herein by reference as if fully set out, and those Exhibits include text and map revisions and amendments as well as findings of fact set forth in the Committee Report of the Long Range Planning/Comprehensive Plan Committee dated November 2, 2022, attached as Exhibit “B” and incorporated herein by reference as if fully set out for both the text and map amendments recommended by the Boone County Planning Commission and adopted herein as applicable to the City of Florence, Kentucky through its City Council as the City’s legislative body.

SECTION II

The updated 2020 Boone County Zoning Regulations Text (Exhibit “A”) and Map (Exhibit “D”) as noted (existing electronic Zoning Map and proposed Zoning Map changes) on the Boone County Planning Commission webpage or at www.boonecountyky.org/pc as well as the attachments in the November 2, 2022 Committee Report of the Long Range Planning/Comprehensive Plan Committee (see Exhibit “B”) serve as the official record of those text and map updates recommended by the Boone County Planning Commission and adopted herein by the City of Florence, Kentucky through its City Council as the legislative body. Upon final action by the City of Florence, Kentucky through its City Council, the text and map provisions enacted herein and adopted shall apply to land within the City of Florence, Kentucky and be kept in electronic databases that are maintained as part of the Boone County Planning Commission’s public digital format as an electronic depiction of the 2020 Zoning Text and Map Regulations enacted by the City of Florence as well as the City of Walton, City of Union, and the Boone County Fiscal Court for their respective jurisdictions. That depiction constitutes the official text and map of Boone County’s Zoning Regulations comprising the Boone County Planning Unit in its entirety. As the updated 2020 Zoning Regulations Text and Map, it shall be kept up-to-date to reflect adopted zoning text and map data and all amendments by the legislative bodies and Fiscal Court comprising the Boone County Planning Unit in accordance with Chapter 100 of the Kentucky Revised Statutes. Further, this updated 2020 Zoning Regulations Text and Map may be viewed by the general public at offices of the Boone County Planning Commission which may certify a paper copy of all or part of those 2020 Zoning Text and Map Regulations as true and accurate. It can also be viewed on the internet at www.boonecountyky.org/pc.

SECTION III

The amendments to the Zoning Text and Map of Boone County, Kentucky as adopted herein were prepared by the Boone County Planning Commission and its staff in accordance with the provisions of Chapter 100 of the Kentucky Revised Statutes and during that process before the Boone County Planning Commission went through public review, a public hearing on September 21, 2022, and other open meetings of the public conducted by the Boone County Planning Commission or its Long Range Planning/Comprehensive Plan Committee, and shall be and are adopted and approved by the City of Florence, Kentucky through its City Council as a legislative body and a member of the joint city-county planning unit for Boone County, Kentucky which is served by the Boone County Planning Commission. These Zoning Text and Map Amendments are identified in the Boone County Planning Commission Staff Report and Staff Presentation for the 2020 Zoning Update given and presented at the September 21, 2022 Public Hearing, this Staff Report being marked as Exhibit "C" attached hereto and incorporated herein by reference as if fully set out.

SECTION IV

Further, the 2020 Boone County Zoning Regulation, text and map, as updated by the Boone County Planning Commission and adopted herein by the City of Florence, Kentucky (as posted on the Planning Commission webpage and presented at the September 21, 2022 Public Hearing and subsequently revised based on the Committee Report in Exhibit "B") have been prepared, reviewed and adopted herein by the City of Florence, Kentucky to be consistent with and provide timely appropriate implementation of the 2019 Boone County Comprehensive Plan, entitled "Our Boone County Plan 2040".

SECTION V

As part of the 2020 Zoning Update Public Hearing before the Boone County Planning Commission on September 21, 2022 materials prepared by Scott Bergthold concerning secondary effects and other text amended to sexually oriented business provisions were included and are part of this update of Boone County's 2020 Zoning Text Regulations (Exhibit "A") and adopted herein by the City of Florence, Kentucky.

SECTION VI

After reviewing the Boone County Planning Commission recommendations and record for the Zoning Update (The 2020 Boone County Zoning Regulations, Text and Map) as set forth in the Planning Commission's Resolution R-22-029 dated November 16, 2022, the City of Florence, Kentucky through its City Council determined certain changes or clarifications are needed for proper regulation and timely implementation of the 2020 Boone County Zoning Regulations as follows:

1. Provide a new definition for “Crypto Currency Mining” identifying that use is not part of the definition of “Data Center” for Article 40, Section 4000; Article 5, Section 505 and Section 505.4, Table 5-5; and Article 31, Section 3163 as set forth in ATTACHMENT B (REVISED);
2. Leave “Temporary Sign” language for Article 34, Section 3404 as set forth in ATTACHMENT G;
3. Identify “Eating and Drinking Establishments”; “Recreation, Commercial” and “Microbrewery” as permitted uses in the R zoning district, ATTACHMENT H, Article 5, Section 505 and Section 505.1.

Therefore, the 2020 Boone County Zoning Regulations, Text and Map (2020 Zoning Update) as applicable to the City of Florence, Kentucky (Exhibit “A” and Exhibit “D”) adopted and approved herein shall and does hereby include these aforementioned changes or clarifications set forth in ATTACHMENT B (REVISED); ATTACHMENT G; and ATTACHMENT H, all of which are attached to this Ordinance O-24-22 and incorporated herein as if fully set out. Upon final adoption and approval, this Ordinance and its attachments shall become part of the 2020 Boone County Zoning Regulations Text (Exhibit “A”) and Map (Exhibit “D”) of the Boone County Planning Commission webpage or at www.boonecountky.org/pc as well as the attachments in the November 2, 2022 Committee Report of the Long Range Planning/Comprehensive Plan Committee (Exhibit “B”) adopted herein by the City of Florence, Kentucky through its City Council to be applicable within the City of Florence, Kentucky and be kept in the electronic databases as part of the Boone County Planning Commission’s public digital format as an electronic depiction of the 2020 Zoning Text and Map Regulations enacted by the City of Florence. This updated 2020 Boone County Zoning Regulations Text and Map may be viewed by the general public at offices of the Boone County Planning Commission which may certify a paper copy of all or part of these 2020 Zoning Text and Map Regulations as true and accurate. It may also be viewed on the internet at www.boonecountky.org/pc.

SECTION VII

All Concept Development Plans approved and agreed upon as conditions to zoning map amendments prior to this Ordinance and the adoption of the updated Zoning Regulations herein both text and map, shall continue in full force and effect as this Ordinance with its adoption of the 2020 Zoning Regulations, text and map, is conditioned upon and subject to those prior Concept Development Plans as conditions to previous rezonings remaining in full force and effect.

SECTION VIII

Adoption of the updated 2020 Boone County Zoning Regulations, both text and map herein, shall have no impact on the current Boone County Subdivision Regulations and those

subdivision regulations shall remain in full force and effect.

SECTION IX

If the 2020 Boone County Planning Regulations, text and zoning map, as updated, adopted and approved herein by the City of Florence, Kentucky are invalidated in whole or in part by a court having competent jurisdiction, then any property or properties so invalidly zoned shall not become unzoned or unregulated. Instead, the Zoning Regulations, text and map, applicable to that property or properties by virtue of the 2012-2013 Boone County Zoning Regulations, text and map, shall then resume having full force and effect. In such event, the 2012-2013 Boone County Zoning Regulations, text and map, are those regulations adopted by the Boone County Planning Commission and its Resolution No. R-13-010-A and as enacted by the City of Florence through its City Council as its legislative body and the legislative bodies of the other city's and Fiscal Court comprising the Boone County, Kentucky Planning Unit pursuant to that Resolution.

SECTION X

This Ordinance and the 2020 Boone County Zoning Regulations, both text and map, adopted and approved herein are hereby declared to be severable with regard to the parts, sections, subsections, clauses and provisions of either this Ordinance or the Zoning Regulations, text and zoning map, adopted herein. If a court having jurisdiction invalidates any part, section, subsection, clauses or provisions of this Ordinance, or the 2020 Boone County Zoning Regulations, text and map, adopted herein, then all other parts, sections, subsections, clauses or provisions shall remain valid and effective as they are severable and intended to have continued full force and effect in the event of any such invalidity.

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

PASSED AND APPROVED ON FIRST READING THIS 20th DAY OF DECEMBER, 2022.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21st DAY OF DECEMBER, 2022.

APPROVED:

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

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk