

ORDINANCE 2022-33

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY ADOPTING AND APPROVING AMENDMENTS TO ZONING REGULATIONS, BOTH TEXT AND ZONING MAP FOR BOONE COUNTY, KENTUCKY, THESE ZONING REGULATIONS, BOTH TEXT AND ZONING MAP, HAVING BEEN PREPARED AND NOW RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION FOR ADOPTION PURSUANT TO THE PROVISIONS OF CHAPTER 100 OF THE KENTUCKY REVISED STATUTES TO UPDATE THOSE ZONING REGULATIONS 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 Revised Statutes; 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 Boone County Comprehensive Plan entitled "Our Boone County Plan 2040" through appropriate amendments to the Boone County Zoning Regulations, both text and zoning map; and

WHEREAS, the 2020 *Boone County Zoning Regulations (2020 Zoning Update)*, including text and zoning map for Boone County, Kentucky have been prepared consistent with timely and appropriate implementation of the 2019 Boone County Comprehensive Plan, "Our Boone County Plan 2040"; and

WHEREAS, these updated 2020 Boone County Zoning Regulations of Boone County, both text and zoning map, have been prepared in accordance with the requirements set forth in Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, various public meetings, workshops, open committee meetings, and a publicized public hearing have all occurred regarding these updated zoning regulations for both text and zoning map, as part of this county-wide zoning update.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That requirements of Chapter 100 of the Kentucky Revised Statutes having been followed, the updated Zoning Regulations Text prepared by the Boone County Planning Commission for purposes of updating those regulations through amendments and provide 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 by the Boone County Planning Commission and recommended for adoption to the legislative bodies of the cities of Florence, Union and Walton ("cities") and the Boone County Fiscal Court comprising the membership of the joint city-county planning unit for Boone County, of which the Boone County Planning Commission serves as a joint planning commission. The text of the updated zoning regulations hereby adopted and approved and recommended for adoption to these legislative bodies and Fiscal Court are entitled "*2020 Boone County Zoning Regulations*" and further identified as being the subject of a public hearing conducted on September 21, 2022, a copy of

the text of the *2020 Boone County Zoning Regulations*” containing these updated text regulations being referenced in an electronic digital format on the Boone County Planning Commission web page or at www.boonecountyky.org/pc and being marked as Exhibit “A” and incorporated herein by reference as if fully set out, and includes those text revisions and findings of fact set forth in the Committee Report of the Long Range Planning/Comprehensive Plan Committee dated October 5, 2022 , attached as Exhibit “B” and incorporated herein by reference as if fully set out for both the recommended text and map amendments as part of that Committee Report, including amended attachment B and new attachments G and H attached hereto.

Section Two

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 web page or at www.boonecountyky.org/pc as well as the attachments in the November 2, 2022 Committee Report (see Exhibit B) serve as the official record of those text and map updates recommended by the Boone County Planning Commission to the legislative bodies and Fiscal Court for adoption. Upon final action by these legislative bodies and Fiscal Court, the text and map provisions enacted by them shall apply to land within their respective jurisdictions and be kept in electronic data bases 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 cities of Florence, Walton, and Union and the Boone County Fiscal Court for their jurisdictions. That depiction constitutes the official text and map of Boone County’s Zoning Regulations comprising the Planning Unit for Boone County 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 Three

That amendments to the Zoning Text and Map of Boone County, Kentucky prepared by the Boone County Planning Commission and its staff in accordance with the provisions of Chapter 100 of the Kentucky Revised Statutes having gone through public review, a public hearing on September 21, 2022, and other open meetings of the Commission or its Long Range Planning/Comprehensive Plan Committee, shall be and the same are hereby adopted and approved, and recommended for adoption to the legislative bodies of the cities and Fiscal Court comprising the membership 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 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 Four

Further, the updated Boone County Zoning Regulations, Text and Map (as posted on the Planning Commission web page and presented at the Public Hearing and subsequently revised based on the Committee Report) have therefore been prepared and reviewed to be consistent with and

entitled "Our Boone County Plan 2040".

Section Five

As part of the 2020 Zoning Update public hearing 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").

Section Six

All concept development plans approved and agreed upon as conditions to zoning map amendments prior to this Ordinance and adoption, and recommendation of adoption of the zoning regulations, text and map, shall continue in full force and effect and this Ordinance with its adoption and recommendation for adoption is conditioned upon and subject to those prior concept development plans as conditions to previous rezonings remaining in full force and effect.

Section Seven

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 Eight

If the *2020 Boone County Zoning Regulations*, text and zoning map, as updated, adopted and approved herein, 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 in its Resolution no. R-13-010-A and as enacted by the legislative bodies of the cities and Fiscal Court comprising the Boone County, Kentucky Planning Unit pursuant to the Resolution.

Section Nine

That the updated *2020 Boone County Zoning Regulations, text and zoning map*, as adopted and approved herein shall be and are hereby recommended for adoption and approval to the legislative bodies and Fiscal Court comprising the membership of the joint City-County Planning Unit of Boone County, Kentucky, which is served by the Boone County Planning Commission, and the appropriate officials of the Boone County Planning Commission shall forward this recommendation to those legislative bodies and Fiscal Court. The legislative bodies and Fiscal Court comprising this joint planning unit are: Boone County Fiscal Court and the City Councils of the cities of Florence, Walton, and Union, Kentucky.

Section Ten

This Ordinance and the 2020 Boone County Zoning Regulations, both text and map, adopted and approved and recommended for adoption and approval the legislative bodies and Fiscal Court 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 and provision of this Ordinance, of the updated *2020 Boone County Zoning Regulations, text and map*, then all other parts, sections, subsections, clauses or provisions shall remain valid and effected as they are severable and intended to have continued full force and effect in the event of any such invalidity.

Section Eleven


This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 29th day of November, 2022

Second Reading the 20th day of December, 2022

Adopted this 20th day of December, 2022

Yes 4 No 0


Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:


Shona Schulkers,
Fiscal Court Clerk