

ORDINANCE 2023-01

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST OF ECE, INC (APPLICANT) FOR TODD BAETEN (OWNER) FOR: (1) A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3); (2) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY (80) FEET TO TEN (10) FEET ALONG THE EAST PROPERTY LINE; AND (3) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY (80) FEET TO ZERO (0) FEET ALONG THE WEST PROPERTY LINE FOR AN APPROXIMATE 4.1 ACRE AREA LOCATED AT 352 FROGTOWN ROAD, BOONE COUNTY, KENTUCKY, INCLUDING A PORTION OF THE RIGHT-OF-WAY OF FROGTOWN ROAD AND INTERSTATE 71/75.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval for the Zoning Map Amendment and dimensional Variances.

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOKS: 1146, PAGE NO: 803 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval for a Zoning Map Amendment and dimensional Variances requests are the Findings of Fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the Findings of Fact for the Zoning Map Amendment and the request for dimensional Variances as set forth in the Committee Report and marked as "Exhibit B."


Section Three

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

First Reading the 10th day of January, 2023

Second Reading the 31st day of January, 2023

Adopted this 31st day of January, 2023 Yes 4 No 0


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

ATTEST:


**Shona Schulkers,
Fiscal Court Clerk**