

ORDINANCE NUMBER 2 - 2023

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE TABLE OF SPECIAL ORDINANCES, SECTION 1 ZONING MAP CHANGES OF THE FRANKLIN COUNTY CODE OF ORDINANCES FOR A 85.388 ACRE PORTION OF PROPERTY, IDENTIFIED AS A PORTION OF TRACT #1 (84.058 acres± A PORTION OF PVA MAP #087-00-00-031.00) AND A PORTION OF TRACT #2 (1.331 acres± A PORTION OF PVA MAP #087-00-00-031.01), LOCATED AT 690 DUNCAN ROAD FROM AGRICULTURAL DISTRICT (AG) TO INDUSTRIAL GENERAL DISTRICT (IG)

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, “The Zoning Ordinance of Franklin County,” in accordance with a Comprehensive Plan and KRS 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the zone map amendment, along with their findings of fact, to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on May 12, 2022 and adopted a summary of the evidence and findings of fact on June 9, 2022 as required by K.R.S. 100; and

WHEREAS, the Frankfort/Franklin County Planning Commission recommended to the Franklin County Fiscal Court denial of the Zone Map Amendment; and

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

SECTION I. The Code of Ordinances, Table of Special Ordinances Section 1 Zoning Map Changes, is hereby amended to read as follows:

A 85.389-acre portion of property located at 690 Duncan Road in Franklin County, Kentucky, identified as a portion of Tract 1 (84.058 acres±) and a portion of Tract 2 (1.331 acres±), The property is more specifically identified as a portion of PVA Map Number 087-00-00-031.00 (Tract 1) and a portion of PVA Map Number 087-00-00-031.01 (Tract 2) is hereby amended from Agricultural District (AG) to Industrial General District (IG), based on the following findings of fact:

- a) The subject property is listed on the National Registry of Historical places as a contributing farm, a federally administered designation

- b) The Comprehensive Plan future land use plan map designated the property for employment center.
- c) Development should not exacerbate existing stormwater issues noted by the county engineer at Slickaway Branch.
- d) The Industrial General (IG) zone district is appropriate for the employment center land use designation.
- e) The subject property is bound by industrial zoning to the East, West, and North within Franklin County.
- f) The subject property is adjacent/contiguous to an established industrial park in Franklin County.
- g) The Zone map amendment application to change to Industrial General (IG) is in agreement with the Comprehensive Plan future plan use map.
- h) The existing zoning classification given to the property is inappropriate and the purposed zoning classification is appropriate.
- i) The current zoning classification is in agreement with the adopted Comprehensive Plan.
- j) The subject property is within 1 mile of the Interstate 64 interchange.
- k) There has been no change of subject property at current that would inhibit the current use of the current agriculture zoning designation, nor render soils infertile for farm purposes.
- l) The zoning change recommendation failed to consider the subject property's historical and cultural designations, with the planning director stating, "that the goal was not considered because "Franklin County does not track historical properties, Franklin County does not regulate historical properties" and that further "it has not been that will of the Fiscal Court" which are in contrast with the goals and policies of the Comprehensive Plan.
- m) Goal 5 of the Comprehensive Plan promotes the protection of the scenic viewsheds and heritage tourism. The Franklin County Tourism Commission promotes Duncan Road as a scenic access road to local, cultural, and economic drivers.
- n) There is adequate water and sewer to support a zone change to Industrial General.

- o) The updated traffic impact study, dated Feb 23, 2023, concludes that future traffic conditions will remain in acceptable limits and no road improvements are needed.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 15th day of February, 2023.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 30 day of March, 2023 and of record in Fiscal Court Order Book 33, Page 327.



Michael Mueller
Franklin County Judge/Executive

ATTESTED TO:



Kim Cox
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment for a 85.388 acre portion of property located in Franklin County, identified as a portion of Tract 1 (84.058 acres±) and a portion of Tract 2 (1.331 acres±), located at 690 Duncan Road. The property is more specifically identified as a portion of PVA Map Number 087-00-00-031.00 (Tract 1) and a portion of PVA Map Number 087-00-00-031.01 (Tract 2) from Agricultural District (AG) to Industrial General District (IG).