

**CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2024-06**

**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF 9541 US 42 LLC PER THOMAS J. ACKERMANN (APPLICANT) FOR CITY OF UNION, PER MAYOR LARRY SOLOMON AND CHILDREN'S HOSPITAL MEDICAL CENTER PER MAURA MORAN-BERRY (OWNERS) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 68 ACRE SITE LOCATED BETWEEN US 42 AND OLD UNION ROAD AND NORTH OF SWEET HARMONY LANE, UNION, KENTUCKY, BEING KNOWN AS THE UNION PROMENADE DEVELOPMENT. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN A UNION COMMERCIAL/UNION NEIGHBORHOOD OFFICE/URBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (UC/UNO/UR-2/PD) DISTRICT TO ALLOW ALTERNATIVE SIGNAGE.**

*WHEREAS*, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission known as the Boone County Planning Commission; and

*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 a Request Of 9541 Us 42 LLC Per Thomas J. Ackermann (APPLICANT) For City of Union, Per Mayor Larry Solomon And Children's Hospital Medical Center Per Maura Moran-Berry (OWNERS) For A Zoning Map Amendment For A Special Sign District For An Approximate 68 Acre Site Located Between US 42 And Old Union Road And North Of Sweet Harmony Lane, Union, Kentucky, Being Known As The Union Promenade Development. The Request Is For A Special Sign District In A Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD) District To Allow Alternative Signage.

*WHEREAS*, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning

Map Amendment; and

*WHEREAS*, the Boone County Planning Commission by Resolution No. R-24-005-A recommended approval of the rezoning described above, with conditions; and

*WHEREAS*, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

*WHEREAS*, the Union City Commission desires to affirm and approve the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action and grant the application of the Zoning Map Amendment, with additional conditions; and

*WHEREAS*, it has been agreed by the Applicant and the City that the following additional conditions shall be applied and in force; Children's Hospital Medical Center shall be granted a 20 foot tall (including a 4 foot masonry base) 8' 2" wide above the masonry base ,163 Square Foot sign; and

*WHEREAS*, all temporary advertising shall have unlimited colors (photographic style imagery); and

*WHEREAS*, as to United Dairy Farmer's location (a) there shall be no time limit for display of each of its advertising campaign, (b) there will not be a limit on the quantity of advertising campaigns able to be displayed within a calendar year; (c) permits for temporary window advertising shall not be required; and

*WHEREAS*, Children's Hospital has provided a sufficient and comprehensive study documentation to justify the need for the higher proposed off-premises sign; and

*WHEREAS*, the recommendation of the Boone County Planning Commission was based

upon certain findings and conditions attached to its Resolution that were not supported by Children's Hospital sign study data; and

**WHEREAS**, a majority of the Union City Commission desires to adopt the recommendations of the Boone County Planning Commission for the Sign District “D” recommendation, with exception of the proposed off-premises sign for Children's Hospital, located on Lot 3; Children's Hospital Medical Center shall have a 20 foot tall (including a 4 foot masonry base) 8' 2” wide above the masonry base, 163 Square Foot signage. (2) All temporary advertising shall have unlimited colors (photographic style imagery); (3a) as to the United Dairy Farmer's location there shall be no time limit on its advertising campaigns; (3b) there will not be a limit on the quantity of advertising campaigns able to be displayed within a calendar year; and (3c) Permits for temporary window advertising shall not be required.

**WHEREAS**, the City Commission rejects the recommendation of the four (4) foot high brick base and shall not exceed fifteen (15) feet in height sign limitation and instead replaces it by adopting a four (4) foot high brick base, 8' 2” in width above the masonry base, which shall not exceed twenty (20) feet in height sign variance, as part of the Sign District “D” located on Lot 3.

***NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY*** as follows:

### **SECTION I**

That the request for a change in the Zoning Map Amendment being a Zone Change from A Request Of 9541 Us 42 LLC Per Thomas J. Ackermann (APPLICANT) For City Of Union, Per Mayor Larry Solomon And Children's Hospital Medical Center Per Maura Moran-Berry (OWNERS) For A Zoning Map Amendment For A Special Sign District For An Approximate 68

Acre Site Located Between US 42 And Old Union Road And North Of Sweet Harmony Lane, Union, Kentucky, Being Known As The Union Promenade Development. The Request Is For A Special Sign District In A Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD) District To Allow Alternative Signage. The Request For A Zone Change shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution R-24-005-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked *Exhibit "A"* and incorporated herein by reference as well as the Children's Hospital Comprehensive Study.

In addition, the following conditions shall apply to the subject Union Promenade Development: (1) Children's Hospital Medical Center shall have a 20 foot tall (including a 4 foot masonry base), 8' 2" wide above the masonry base, 163 Square Foot signage. (2) All temporary advertising shall have unlimited colors (photographic style imagery); (3a) as to the United Dairy Farmer's location there shall be no time limit on its advertising campaigns; (3b) there will not be a limit on the quantity of advertising campaigns able to be displayed within a calendar year; and (3c) Permits for temporary window advertising shall not be required.

## **SECTION II**

If approval for Zoning Map Amendment shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

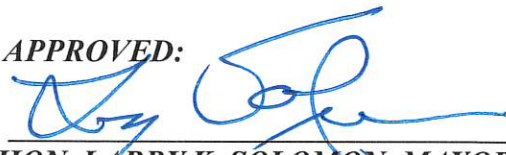
## **SECTION III**

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

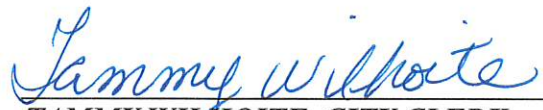
*FIRST READING this the 6<sup>th</sup> day of May, 2024.*

*SECOND READING this the 20<sup>th</sup> day of May, 2024*

*APPROVED:*

  
\_\_\_\_\_  
*HON. LARRY K. SOLOMON, MAYOR*

*ATTEST:*

  
\_\_\_\_\_  
*TAMMY WILHOITE, CITY CLERK*