

ORDINANCE NO. 01-11

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR INCORPORATED
AREAS OF SMITHS GROVE, COMMONWEALTH OF KENTUCKY.**

WHEREAS, the Cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, Woodburn and the County of Warren, Kentucky, have in the past participated in a joint planning program to assist and promote the orderly development of their cities and county; and,

WHEREAS, the Kentucky Revised Statutes Chapter 100 provide that the legislative bodies of incorporated cities and the Fiscal Court of the county containing those Kentucky Cities may adopt land use regulations, including zoning and growth management regulation; and,

WHEREAS, the County of Warren and the incorporated cities of Warren County, Kentucky desire to stabilize and conserve the value of land and buildings; provide adequate light and air; prevent overcrowding of land; lessen the congestion of streets; facilitate adequate provision of water, sewerage, transportation, schools, parks, playgrounds and other public investments; facilitate the programming and execution of public and private development in harmony with these purposes; and,

WHEREAS, the six (6) Local Governments of Warren County, Kentucky desire to promote orderly community growth under the guidance of the Warren County Comprehensive Plan; encourage and protect the most appropriate use of land throughout the cities and county; protect and enhance property values for the community as a whole; promote, prescribe, regulate, restrict and limit for the purpose of promoting public health, safety, or general welfare of the community, regulations, including restrictions of height, number of stories, size of buildings and other structures, size of yards, courts and open space, the density of population, the location and use of such buildings and structure and land for trade, industry, residence or other purpose; and,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Smiths Grove, Commonwealth of Kentucky, as follows:

1. That the full text, **Zoning Ordinance dated June 2001** are hereby amended, approved and adopted as if copied in full. **Page and Article Sections are amended as follows:**

Page	Section	Amendment
1-4	1.12.2.A.3 Sanitary Provisions, Not Within 1,500 feet of Public Sewer	Replace paragraph with the following: "3. That it is a commercial use or development where public sanitary sewer is not available, <u>and</u> a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable, <u>and</u> that exclusive of drainage easements and flood plain (a) the total of all structures on the site is less than 6,000 square feet and the site is at least three acres, <u>or</u> (b) the total of all structures on the site is less than 10,000 square feet and the site is at least five acres, <u>or</u> (c) the total of all structures on the site is between 6,000 and 10,000 square feet and the site is at least three acres and a Conditional Use Permit has been obtained for the use from the Board of Adjustments."
1-5	1.13.1 Fire Protection Requirements	Delete "subdivision approval" from the first paragraph.
1-5	1.13.1.C. Fire Protection Requirements	Agricultural Tracts: Reduce acreage from 20 to 10.

Page	Section	Amendment
1-5	1.13.1.D. Fire Protection Requirements	<p>Replace with following language:</p> <p>"Threshold requirements may be waived by the Planning Commission upon recommendation by the Director if the proposed map amendment meets all of the following criteria:</p> <ol style="list-style-type: none"> 1. The application is for a residential or agricultural zoning district and no more than four lots. 2. A letter from the appropriate local fire department confirming that adequate fire protection services will be provided to the property. 3. Neither the intensity of use or the density per acre will be significantly increased for the neighborhood."
4-24	4.5.1 Multi-Family Districts, Two Family Residential District (RM-2), Permitted Residential Unit Types	<p>Add:</p> <p>"3. Residential unit types permitted in RS-1B district (utilizing RS-1B property development standards)."</p>
4-24	4.5.2 Multi-Family Districts, Townhouse and Multi-Family Residential District (RM-3), Permitted Residential Unit Types	<p>Add:</p> <p>"4. Two-family residential units types permitted in RM-2 district (utilizing RM-2 property development standards).</p> <p>5. Residential unit types permitted in RS-1C district (utilizing RS-1C property development standards)."</p>
4-24	4.5.3 Multi-Family Residential District (RM-4), Permitted Residential Unit Types	<p>Add:</p> <p>"4. Two-family residential unit types permitted in RM-2 district (utilizing RM-2 property development standards).</p> <p>5. Residential unit types permitted in RS-1C district (utilizing RS-1D property development standards).</p>
4-28	4.5.4.C.9. Multi-Family Residential Districts, Parking Standards	<p>Add:</p> <p>"For any single family residential use in RM-2, RM-3, or RM-4, no parking shall be located in the front yard of the housing unit; parking is allowed, however, in front of a carport or garage."</p>

Page	Section	Amendment
4-36	4.6.8.B. Property Development Standards Table	Add: "*" in the line item "building size" in the columns for GB, CB, and HB. Add: "(see Article 1.12.2.A.3)" at the end of the table footnote.
5-3	Use Table: Off-Premise Advertising Sign, Billboard	Add: P (permitted) in LI (Light Industry).
5-3	Use Table: Recreation and Entertainment, Indoor	Add: P (permitted) in Public (P).
5-3	Use Table: Recreation and Entertainment, Unlighted Golf Course	Add: P (permitted) in GB (General Business), HB (Highway Business), and OP-R (Office/Professional - Residential). Remove: * (specific use standards apply) on A (Agriculture) and OP-C (Office/Professional - Commercial).
5-3	Use Table: Recreation and Entertainment, Sportsmen's	Add: P* (permitted with standards) to LI (Light Industry) and HI (Heavy Industry).
5-4	Use Table: Retail Sales and Service, Retail with Drive-through or Pick-up window	Add P* (permitted with standards) in CB (Central Business). Add * (standards) to GB (General Business), HB (Highway Business), and LI (Light Industry).
5-5	Use Table: Manufacturing and Production	Add line item for "Above Ground Storage Tanks >1,000 gallons" and add C* (Conditional Use) in LI (Light Industry) and P* (permitted with standards) in HI (Heavy Industry).
5-5	Use Table: Waste Related Use	Add line item for "Mulch Operations" and add P (permitted) in LI (Light Industry) and HI (Heavy Industry) and add C (conditional use) in A (Agriculture).
5-5	Use Table: Agriculture, Concentrated Animal Feeding Operation	Replace "concentrated" with "confined".

Page	Section	Amendment
5-5	Use Table: Entertainment Event, Major	Add P* (permitted with standards) in HB (Highway Business).
5-7	5.2.1.B.12. Similar Use Interpretation Criteria	Add: "odor, dust, vibrations, smoke" after "noise level".
5-8	5.2.2.A.4.b. Household Living, Exceptions, Home occupations requiring Conditional Use Permit	Add: "(8) limited art or photography studio."
5-9	5.2.2.A.5. Household Living, Specific Use Standards	Add: "c. For the keeping of any large pets, such as horses, a minimum of two acres is required."
5-11	5.2.2.B.5. Group Living, Specific Use Standards	Add: "b. Fraternities/ Sororities are allowed only in the University District and must comply with all requirements for that District."
5-22	5.2.4.A.5.b.(1) Eating Establishments, Specific Use Standards, Drive- through	Delete: "single-family". Add: "This standard may be reduced to 100' if no outdoor speaker system is used."
5-32	5.2.4.E.5.c. Recreation and Entertainment, Specific Use Standards, Sportsmen's	Add: "(10) Only indoor firing ranges are allowed in LI (Light Industry) and HI (Heavy Industry)."
5-33	5.2.4.F.3.a. Retail Sales and Service, Examples, Sales-Oriented	Add: "construction equipment".
5-34	5.2.4.F.5.b. Retail Sales and Service, Specific Use Standards, Retail Sales with Drive-through	Reduce separation standard from 250' to 100'.

Page	Section	Amendment
5-34	5.2.4.F.5.e Retail Sales and Service, Specific Use Standards, Vehicle Sales	Retitle paragraph as follows: "Vehicle and Construction Equipment Sales - Light, Medium, and Heavy."
5-40	5.2.5.B. Manufacturing and Production	Add: "5. Specific Use Standards a. Any above ground storage tank >1,000 gallons and containing flammable or hazardous substances must be located a minimum of 1,000' from any residential district."
5-42	5.2.5.D.5. Waste-Related, Specific Use Standards	Add: "b. Any waste-related use must conform in all aspects with federal, state, and local regulations."
5-42	5.2.5.E.3 Wholesale Sales, Examples	Delete: "heavy trucks".
5-46	5.2.6.C Entertainment Event, Major	Add: "5. Specific Use Standards a. Any major entertain event in the Highway Business district must be located a minimum of 250' from any residential district. b. Any major entertainment event must provide adequate on-site parking."
8-1	8.2 Defined Terms	Add: "Above Ground Storage Tank: All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances (liquid, gas, or solid). Tanks containing only water are exempt from this definition."

Page	Section	Amendment
8-10	8.2 Defined Terms	Add: "Mulch Operation: Any use involving the grinding, shredding, storing, stockpiling, or recycling of natural materials such as trees, leaves, or bark, into a usable product for landscaping or other purposes."
8-12	8.2 Defined Terms	Delete "setback line" term and definition.

2. **Applicability-** The provisions of this Zoning Ordinance shall apply within the incorporated limits of Smiths Grove, Commonwealth of Kentucky.
3. **Conflict with Other Regulations-** In the event that the provisions of this Zoning Ordinance are inconsistent with one another or if the provisions of this Zoning Ordinance conflict with the provisions found in other adopted ordinances, the more restrictive shall control.
4. **Conflict with Private Deeds-** It is not the intent of this Zoning Ordinance to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Zoning Ordinance impose a greater restriction than imposed by such private agreement, the provisions of this Zoning Ordinance shall control.
5. **Violations Continue-** Any violation of the Zoning Regulations in effect before the effective date specified by Article 1, section 1.3 shall continue to be a violation under this Zoning Ordinance and shall be subject to the penalties and enforcement under Article 7, unless the use, development, construction or other activity is clearly consistent with the express terms of the Zoning Ordinance.
6. **Severability-** If a court of declares the provisions of this Ordinance in any part to be invalid, that ruling shall not affect the validity of the remainder of this Ordinance.

7. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on 10/22, 2001, and given final reading on 11/26, 2001, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS 424 and KRS 83A.

ADOPTED: 11/26/01

APPROVED: Walter M. McCay, Jr.
Walter McCay, Jr.

Mayor, City of Smiths Grove

ATTEST: Vicki Weisshaar

Vicki Weisshaar

City Clerk, City of Smiths Grove