

ORDINANCE NO. 02-08

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, of the **Smiths Grove Zoning Ordinance** are hereby amended, approved and adopted as if copied in full. **Page and Article Sections are amended as follows:**

Page	Section Reference	Proposed Amendment Text
1-5	1.13.1.B	Add the following sentence: "In lieu of meeting this threshold in commercial and industrial districts, an alternative fire protection plan, prepared by a professional engineer and meeting the specifications of NFPA 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting), may be approved by the Warren County Judge Executive".
1-5	1.13.1.C	Delete "Agricultural" from the first sentence.
1-5	1.13.1.D	Delete all text and replace with: "Threshold requirements for agriculture and single family districts in the Warren County unincorporated area may be waived by the Director upon receipt of an approved fire protection waiver form from the Warren County Judge Executive".
1-7	1.15.3	Insert "received 'preliminary plat approval' or" after "Lots which...".
2-1	2.1.1.A	Insert a new paragraph 3 to read: "Hold a public hearing and take final action on variances and conditional use permits when concurrent with map amendments".
2-5	2.5.2.A.4	Insert "(including the issuance or denial of Certificates of Appropriateness)" after "regulating changes to designated property..."

Pages 3-16 not scanned

Page	Section Reference	Proposed Amendment Text
8-8	8.2	Insert following definition: "GROUP LIVING: The residential occupancy of a structure by a group of people who do not meet the definition of Household or Family, but which share a common eating area, such as a rooming or boarding house."
8-8	8.2	Insert following reference: "HEIGHT: See 'Building Height'."
8-12	8.2	Insert following definition: "PLOT PLAN: A dimensioned sketch or to scale plat prepared by a licensed engineer or land surveyor which indicates the existing site information and features, the extent of improvements on the site, a title block, a flood certification, elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, the existing and intended use of all structures, and such other information as may be required."
8-17	8.2	Insert following definition: "TOPOGRAPHIC SURVEY: A representation of the surface features of a piece of property that includes the elevation contours and location of natural and constructed facilities, including storm drainage. At a minimum, a USGS 7.5 minute series topographic quadrangle map, with the site located, is acceptable."
8-17	8.2	Insert following definition: "UNIFORM APPLICATION: An application for a certificate of convenience and necessity issued under KRS 278.020 to construct an antenna tower for cellular telecommunications services or personal communications services."
Appendix A		Replace all map exhibits with corrected maps.

2. **Applicability-** The provisions of this Zoning Ordinance shall apply within the incorporated limits of Smiths Grove, Commonwealth of Kentucky.
3. **Effective Date-** Unless otherwise specifically stated, the provisions of this Zoning Ordinance Amendment shall become effective on October 1, 2002.

4. **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.
5. **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.
6. **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.
7. **Severability-** If a court 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.
8. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on Sept. 12, 2002, and given final reading on Sept. 23, 2002, 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: 12-23-02

ATTEST: *Debbie Bessette*
City Clerk, City of Smiths Grove

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

Mayor, City of Smiths Grove