

ORDINANCE NO. # 03-01 820.00

**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
2-1	2.1.1.A.2	Add the following: " and the siting of cellular towers " to the end of sentence.
2-6	2.5.2.A.3	Delete the term "landmarks" replace with "local historic site".
2-7	2.7.1	Delete extra punctuation at end of paragraph section 2.7.1-Purpose.
2-8	2.8.1.B.2	Delete the term "landmarks" replace with "local historic site".
3-5	3.1.13	Add the following: " and the siting of cellular towers " to the Summary of Review Procedures-Chart of Review Bodies.
3-23	3.10.14	Re-number 3.10.14 Detailed Development Plan Required items A and B.
3-36	3.13.1 and 2	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-37	3.13.3 and 4	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-38	3.13.4,5 and 6	Amend paragraphs 3.13.4, 3.13.5 and 3.13.6 to take out public hearing requirement for Historic Preservation Board in the nomination of local historic sites and districts. Historic Preservation will now make formal recommendation to Planning Commission only. Planning Commission will still do advertisement and hold public hearing.
3-39	3.13.7.C	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-40	3.14.1	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-41	3.14.5.A	Change from "7 days" to "14 days" that a completed application for a Certificate of Appropriateness must be received to be heard at next monthly meeting of Historic Preservation Board.

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3-42	3.14.7.A and C	Delete the term "landmarks" replace with "local historic site".
3-43	3.14.8.A	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-45	3.14.11	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
3-59- 3-64	3.19	Add new section on the "Regulation and Review Procedures of Cellular Antenna Towers".
4-4	4.3.3	Re-number 4.3.3 Permitted Residential Unit Types items A through D.
4-5	4.3.4	Move section to top of page and add sentence" The remaining parcel must be a minimum of no less than five (5) acres and meet the district requirements outlined in the chart below".
4-8	4.4.6.B	Add "RR" to section outlining Property Development Standards.
4-15	4.4.6.E.6	Reword sentence to: "An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building".
4-16	4.4.6.E.9	Reword sentence to: Fences. For the purpose of determining yard setback, the accessory structure setback shall not apply to fences when adjoining property owners agree to place the fence on the joint property line. <u>See 4.4.6 E (1) and (2) for front setback for fences.</u>
4-41	4.6.8.B	Add new item 3- Paragraph to read: Variable Front Yard Setback. A waiver from the strict enforcement of the front yard setback shown for a specific district may be granted by the Executive Director where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face, or 10 feet, whichever is greater.
4-41	4.6.8.C	Split seven commercial districts (OP-C, HB, GB, OP-R, NB, P, and CB) into either item 1 or 2-Additional Setbacks Adjacent to Residential District.
4-43	4.6.8.D.3.a	Re-number Screening of Vehicle Use Areas (VUA) items 1 through 4.

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4-44	4.6.8.D.3.a	Re-number Screening of Vehicle Use Areas (VUA) items 1 through 4.
4-47	4.6.8.D.9.a	Reword paragraph to: When a landscape plan is required, no building permit shall be issued until the required landscape plan has been submitted and approved, <u>with a surety posted. This surety may be either a full cash bond or irrevocable letter of credit from a banking institution with offices in Warren County is submitted to the City-County Planning Commission in the amount of the cost to install the landscaping according to the approved landscape plan plus an additional fifteen (15) percent inflationary factor.</u> and no Certificate of Occupancy shall be issued until the landscaping has been installed as certified by an on-site inspection by the City-County Landscape Architect. For VUA construction or expansion, no use shall commence until the requirements of this section have been satisfied. <u>All required landscape improvements must be installed within 90 days of receipt of a Certificate of Occupancy. The developer of the property may request in writing and be granted up to three, one month extensions if weather conditions prohibit the planting of the approved landscape plan.</u>
4-48	4.6.8.D.9.b	Delete paragraph b.
4-49	4.6.8.E.1	Move Parking Complete Parking Table onto page 4-49.
4-50	4.6.8.E.1	Move Parking Complete Parking Table onto page 4-49.
4-64	4.6.8.F.12.h	Reword sentence to: Sign structures shall be erected in conformity with the side and rear yard requirements of the district in which located, and shall be set back from the established street right-of-way line one-half the width of the right-of-way of 25 feet whichever is greater.
4-64	4.6.8.G	Reword paragraph to: Outdoor storage and display shall be allowed in any commercial district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. <u>Such storage shall not include junk, trash, garbage or other general debris.</u> For the purpose of this section, outdoor storage and display shall be broken down into three types, as follows:

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4-67	4.6.8.J.6	Reword sentence to: An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building.
4-71	4.7.3.6	Reword paragraph to: Outdoor storage and display shall be allowed in any industrial district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. <u>Such storage shall not include junk, trash, garbage or other debris.</u> For the purpose of this section, outdoor storage and display shall be broken down into three types, as follows.
4-97	4.9.3	Delete the term "landmarks" and "landmark site" replace with "local historic site" and "local historic district".
4-101	4.9.5.E.2.c	Add "GB" to sentence.
5-3	5.1	Correct Use Table under Single Family Heading to permit SFR in RM-2, RM-3 and RM-4.
5-4	5.1	Amend Use Table under Commercial Parking Heading to permit commercial parking lots in NB, OP-R, OP-C, LI and HI.
5-11	5.2.2.A.5	Add item d- Non-commercial smokehouses may be permitted as accessory uses with the approval of a conditional use permit.
5-21	5.2.3.J.5.a.(1)	Add item (g)- Low power (100 watts or less) Transmission towers.
5-26	5.2.4.C.4.a	Add item (13)-Bed and Breakfast facilities do not provide for amusement or assembly uses such as meetings, seminars, teas , garden parties, weddings and/or receptions, or concerts. These uses are first permitted in the General Business District (GB).
5-39	5.2.4.H.3	Reword sentence to: Examples include vehicle repair, transmission or muffler shop, alignment shop, auto upholstery shop, auto detailing, <u>minor vehicle repair and limited body work (that does not include painting and fabrication of parts or materials)</u> and tire sales and mounting.

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5-41	5.2.5.A.3.a	Add "minor vehicle repair and limited body work (that does not include painting and fabrication of parts or materials)" to end of sentence.
5-53	5.2.6.E.5.(h)	Change Kentucky Public Service Commission to Kentucky Revised Statues.
6-1	6.2	<p>Reword paragraphs A and B to:</p> <p>A. No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights. <u>Should a nonconforming structure or nonconforming portion of structure be voluntarily destroyed, moved or removed to an extent of 55 percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.</u></p> <p>B. Should a nonconforming structure or nonconforming portion of structure be involuntarily destroyed, or removed to an extent of 55 percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance. When a nonconforming structure is involuntarily destroyed or removed, it shall retain its nonconforming rights for a period of one year. Failure to re-establish the structure within one year nullifies the nonconforming rights. Re-establish, for the purposes of this section, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the principal structure have been let; in the absence of contracts, the principal structure must be under construction to a substantial degree (at least 55 percent of the construction completed).</p>
8-4	8.2	Add new definition for Conservation District.
8-6	8.2	Add "siting of cellular towers" to definition for Final Action.
8-8	8.2	Add new definitions for Historic District, Local Historic Site. Delete definitions for Landmark and Landmark Site.

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8-13	8.2	Add term "patio" and delete "uncovered first floor porch" from definition of Setback.

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 November 1, 2003.
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 August 25, 2003, and given final reading on September 22, 2003, 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: September 22, 2003

ATTEST: Denna Hancey

City Clerk, City of Smiths Grove

APPROVED: James R. Gilley

James Gilley

Mayor, City of Smiths Grove