

ORDINANCE NO. 09-01.820.00

**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 provides 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,

WHEREAS, the City-County Planning Commission of Warren County, Kentucky did convert the Joint City-County Zoning Ordinance of Warren County, Kentucky, into a functional electronic document, and;

WHEREAS, the City-County Planning Commission of Warren County, Kentucky did conduct a public hearing for the Text Amendment of Articles 1, 3, 4, 5, 6 & 8 (as attached) as prescribed in the Joint City-County Zoning Ordinance of Warren County, Kentucky, 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 **Joint City-County Zoning Ordinance of Warren County, Kentucky** is hereby amended, approved and re-adopted as if copied in full.
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 Ordinance shall become effective on July 1, 2009.
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 April 27, 2009, and given final reading on May 26, 2009, 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: May 26, 2009

ATTEST: Donna L. Hooney
City Clerk, City of Smiths Grove

APPROVED: [Signature]
Mayor, City of Smiths Grove