

ORDINANCE NO. 09-02-820.00

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING THE TEXT OF
THE ZONING ORDINANCE TO CONVERT 1
PARCEL FROM VARIOUS NON-PUBLIC
ZONING CLASSIFICATION TO P (PUBLIC)
FOR THE CITY OF SMITHS GROVE,
KENTUCKY AS RECOMMENDED BY THE
CITY-COUNTY PLANNING COMMISSION

WHEREAS, 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 regulations; and,

WHEREAS, one parcel owned by Warren County Fiscal Court and currently in public use was zoned various non-public zoning classifications; and,

WHEREAS, the Warren County Fiscal Court requested that this parcel be converted to the P (Public) zoning district to reflect the current use; and,

WHEREAS, Section 4.2.2 of the Zoning Ordinance incorporates the Official Zoning Map into the text of the Zoning Ordinance and Section 3.9 outlines the process for amending the text of the Zoning Ordinance; and,

WHEREAS, the Planning Commission met in regular session on March 19, 2009, and with eight (8) members present, unanimously approved a recommendation to the City Commission of Smiths Grove to amend the text of the Zoning Ordinance to convert 1 parcel of County property with various non-public zoning classifications to P (Public) zoning; and,

WHEREAS, it is in the best interest of the City of Smiths Grove to accept the recommendation and to amend the text of the Zoning Ordinance.

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

1. The Zoning Ordinance prepared by the City-County Planning Commission and Duncan/Associates dated June 2001 and adopted by the City of Smiths Grove in Ordinance No. _____ is hereby further amended to convert 1 parcel of County property with various non-public zoning classifications to P (Public) zoning.

2. The provisions of this amendment to the Zoning Ordinance shall apply within the incorporated limits of Smiths Grove, Kentucky.

3. In the event that the provisions of this amendment to the 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. It is not the intent of this amendment to the 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.

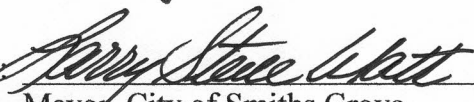
5. Any violation of the Zoning Regulations in effect before the effective date of this Ordinance shall continue to be a violation under this Zoning Ordinance and shall be subject to the penalties and enforcement under Article 7, unless the use, development, construction or other activity is clearly consistent with the express terms of the Zoning Ordinance.

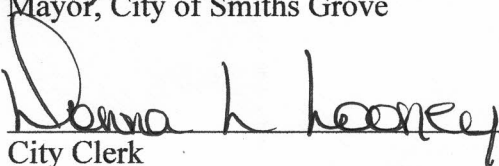
6. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

7. All prior Municipal Orders or Ordinances, or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

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 Chapter 424.

ADOPTED: May 26, 2009

APPROVED: 
Mayor, City of Smiths Grove

ATTEST: 
City Clerk

The traffic Policy - **TR-2** (*traffic*) - The property is served by South McElwain Road, a county road with 16 foot of pavement and 50 feet of right-of-way.

Also, the final Policies **LU-4C-1** (*Rural density residential development may occur throughout Warren County on appropriately zoned AG, RR and RE lots*); **LU-4C-4** - (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); and **LU-4C-5** (*All rural density residential developments should maintain existing natural physical features, such as woods, streams, green areas, etc., as open space*) - The proposed lot size is similar to some of the lot sizes in the surrounding area. This proposed property meets the minimum lot area requirements of one acre by the R-E (Residential Estate) zone classification. No further changes are being proposed for the property.

Mr. Robinson completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Robinson. Being no questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience. Being none, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Dickerson, seconded by Commissioner Huston to approve the proposed Zoning Map Amendment, docket #2009-05-Z-CO. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-4C-1, 2, 3, 4 & 5; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas, so a recommendation for approval will be sent to the Warren County Fiscal Court.

C. Text Amendment

Chairman Runner announced the next item on the agenda as: *The City-County Planning Commission will hold a public hearing for a text amendment to consider the following: At the request of the City of Bowling Green, Warren County Fiscal Court, Western Kentucky University (WKU), Western Kentucky University Foundation, Downtown Redevelopment Authority (DRA) and Bowling Green-Warren County Airport Board that 135 parcels owned by the City, County, WKU, WKU Foundation, DRA and Airport that are in public use and are currently zoned various non-public zoning classifications. These areas should be converted to P (Public) zoning district and one parcel to CB (Central Business).*

Steve Hunter stepped to the podium and stated that another Text Amendment to the Zoning Ordinance is being requested this evening to amend zoning classifications and once again to clean up some household items in the Zoning Ordinance. In order to present these to the Commission, the staff gathers information and then bring all the amendments to the Commission at one time. This has been a project that has been on the back burner for a little while, but now we would like to bring it forward to clean up properties at WKU; for the City; and the County; DRA property on Circus Square and the Humane Society on Louisville Road. He presented the spread sheet and maps that coordinate with the spread sheets. Mr. Hunter noted that 601 State Street, which is property owned by DRA, will be changed to CB in order to have retail and possibly a restaurant, in addition to the offices proposed for this property.

The Humane Society property has a second parcel number (051A-01-058) which is added to the number already listed for 1925 Old Louisville Road (051A-01-058A) and this was corrected this evening. This will clean up all the parcels to Public (P) use.

Mr. Hunter noted that there was only one policy that goes with this Map Amendment to the Zoning Ordinance, being LU-1A-4 (*This policy plan recommends that all land development regulations be reviewed and revised when necessary to make administration of the policies simpler for all. Requests for zoning map amendments filed after the adoption of this Plan shall be reviewed for consistency*) - This map amendment request by the City, County, WKU, WKU Foundation, DRA, and Airport is to execute the intent of this policy which is to keep all zoning classifications consistent with the guidance set forth by the Comprehensive Plan for Warren County.

After discussion, Chairman Runner asked if there were any other questions or comments from the Commissioners. Being none, she asked if there were any questions or comments from the audience. Therein, from the audience, Cheryl Blaine, Executive Director of DRA, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Blaine said DRA would like to have had the building re-zoned for some time and we are getting ready to bring some economic development opportunities downtown and said they sincerely appreciated Mr. Hunter putting this property into this clean up map amendment.

Mr. Hunter assured the Commission that the staff has reviewed all of these properties and the recommendations have been made after each entity reviewed their property for the correct zoning, therein cleaning up the uses for the property. Being no additional questions or comments, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston to approve the proposed Zoning Map Ordinance Amendments as presented tonight and with the amendments from the floor. The Motion is based upon the findings of fact as presented in the staff report and the testimony presented in this public hearing that the map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following policy: LU-1A-4. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas.

2009 TEXT
AMENDMENT
PROPERTY
ED SPEAR
PARK

