

ARTICLE 1
GENERAL PROVISIONS

SEC. 1.1 SHORT TITLE
This Joint Zoning Ordinance shall be known and may be cited as the “Warren County Zoning Ordinance” or “this Ordinance.”

SEC. 1.2 AUTHORITY
Kentucky Revised Statutes (KRS) 100.201 gives legislative bodies and fiscal courts the authority to enact permanent land use regulations, including zoning and growth management regulations.

SEC. 1.3 EFFECTIVE DATE
This ordinance, original effective date of December 1, 2001, shall be in full force and effect after re-affirmation and adoption by all legislative bodies, on July 1, 2009.

SEC. 1.4 PURPOSE

- A. The purpose of this Joint Zoning Ordinance is to prescribe, regulate, restrict and limit for the purpose of promoting the public health, safety, or general welfare, regulations of and restrictions upon the erection, construction, alteration, repair or use of buildings, structures or land, including regulations and restrictions of the height, number of stories, and size of buildings and other structures, the size of the yards, courts and other open spaces, the density of population, and the location and use of such buildings, structures and land for trade, industry, residence or other purposes.
- B. This Ordinance is also intended to provide a method of administration and enforcement and penalties for the violation of its provisions.

SEC. 1.5 ZONING AFFECTS EVERY STRUCTURE OR USE
No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.

SEC. 1.6 MINIMUM REQUIREMENTS
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

SEC. 1.7 CONFLICT WITH EXISTING LAW
It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or

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by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.

SEC. 1.8 CONFLICTS WITH ORDINANCES, PRIVATE COVENANTS AND DEEDS

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Bowling Green and Warren County or the whole or part of any existing or future private covenants or deeds, the most restrictive shall in all cases apply.

SEC. 1.9 VALIDITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

SEC. 1.10 RIGHT TO FARM POLICY

In addition to the purposes set out above, there is hereby established a "Right-to-Farm" policy. See also Sec. 7.4, Enforcement Actions Involving Agricultural Operators.

- A. Any agricultural operation or practice that is historical, traditional, legitimate and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.
- B. Agriculture, as a way of life, benefits all residents of Warren County. It is an important part of the economy and adds intrinsic value to life in Warren County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Warren County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance as long as it occurs as a part of non-negligent and legal agricultural practice.

SEC. 1.11 LANDLOCKED POLICY

The purpose of this policy is to deal with property which is for all intents and purposes, landlocked, having less than the required frontage on a public right-of-way.

- A. The Planning Commission has adopted a policy which allows for the recording, *for financing purposes only*, of landlocked properties.
- B. In order to be accepted for this "special recordation" the landlocked parcel shall be surveyed and a plat prepared and recorded.
- C. The property must otherwise meet the minimum requirements of this Ordinance and the Subdivision Regulations of Warren County.
- D. The recording plat shall have a certification on its face above the owner's signature which states, that the property shall only be conveyed in its entirety; that no further subdivision of the property which does not eliminate the landlocked status shall be permitted; and that no building permit will be issued for the placement of any additional structures.

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- E. This certification is binding on the property, regardless of ownership, until such time as the required frontage on a public way is obtained.
- F. Applicants for this "special recordation" shall provide evidence to the Planning Commission at a public hearing that all other means of acquiring adequate frontage have been exhausted. Inconvenience or being unwilling to incur reasonable costs is not acceptable proof.
- G. For all intents and purposes, the landlocked parcel shall be considered a non-conforming lot of record (see also Sec. 6.4)

SEC. 1.12 SANITARY PROVISIONS

1.12.1 Within 1,500 Feet of Public Sewer.

- A. Development of land located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements shall be served by public sanitary sewer.
 - 1. This provision will not apply to construction of one- and two-family dwellings on residential lots of record and residential lots which received at least preliminary subdivision approval as of June 17, 1994 which are not served by sanitary sewer. Such lots may use on-site disposal systems approved by the Barren River District Health Department. In the event that preliminary approval expires, the subdivision must meet the current standards for re-approval.
 - 2. Construction of off-site sewer improvements which may be required by this Section shall be completed to the specifications for size, material and construction of the sewer utility which serves the property and shall become the property of that utility upon completion.

1.12.2 Not Within 1,500 Feet of Public Sewer.

- A. Development of land farther than 1,500 feet from existing public sanitary sewer shall show one of the following:
 - 1. That the property, including all resulting building lots, will be served by sanitary sewer and that the applicant or his successor will extend sewer to the site at his sole expense; or
 - 2. That the proposed development is limited to residential use and that each lot created is at least one acre in size, and has at least 20,000 square feet of lot area outside of any drainage easements and/or flood plains; or
 - 3. That it is a commercial use or development where public sanitary sewer is not available, AND a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable, AND that exclusive of drainage easements and flood plain:

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- (a) the total of all structures on the site is less than 6,000 square feet and the site is at least three acres, OR
 - (b) the total of all structures on the site is less than 10,000 square feet and the site is at least five acres, OR
 - (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.
4. That it is an industrial use or development occupying a structure less than 6,000 square feet, and public sanitary sewer is not available, the site is at least three acres in size, exclusive of drainage easements and flood plains, and a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable.

SEC. 1.13 FIRE PROTECTION REQUIREMENTS

1.13.1 At the time of the filing of any application for a zoning map amendment or detailed development plan, public water lines shall be available to the site sufficient to meet the fire protection standards in accordance with:

- A. Bowling Green, within the corporate limits:** 600 gallons per minute at 20 pounds of residual pressure; or
- B. Warren County, all areas outside the corporate limits of Bowling Green:** 250 gallons per minute with 20 pounds of residual pressure for single family residential districts and 600 gallons per minute at 20 pounds of residual pressure for all other districts. 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.
- C. Agricultural Tracts:** Tracts of greater than 10 acres in size are exempt from the fire hydrant provisions of this Section.
- D.** 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.

SEC. 1.14 SIGHT DISTANCE TRIANGLE

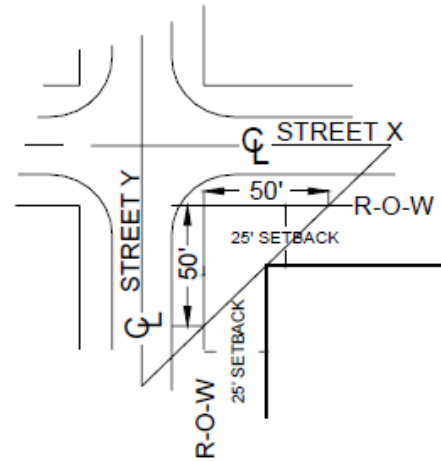
No structure, fence, or vegetation shall be permitted to obscure the vision of the public at any street, alley or driveway intersection, in accordance with the applicable sight distance triangle set forth below.

1.14.1 Exemption for CB District

The provisions of this Section shall not apply within the CB District.

1.14.2 Required Sight Distance Triangles

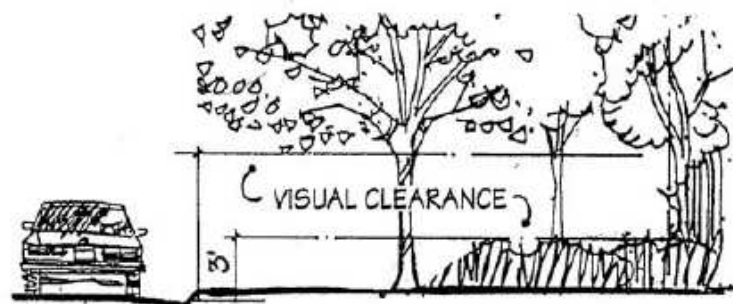
Distances are measured along the right-of-way.



X Type	Y Type	X Dimension	Y Dimension
Street	Street	50	50
Street	Alley/Driveway	20	10

1.14.3 Obstructions in Sight Distance Triangle

- A. There shall be no obstruction of vision within the sight distance triangle between the height of 3 feet and 10 feet above the average grade of each street, alley or driveway.



- B. Signs otherwise permitted by this Ordinance may be located within the sight distance triangle provided that no part of such sign exceeds a horizontal dimension of 12 inches between the 3 foot and 10 foot vertical limitations mentioned above.

SEC. 1.15 TRANSITIONAL PROVISIONS

1.15.1 Plans Filed, Building Permits

In any case where plans and specifications (including a recorded plat or detailed development plan) have been filed with the Building Inspector or Planning Commission staff and are complete prior to the effective date of this Ordinance, and the plans and specifications are for a building or structure that would conform with the regulations effective at the date of such filing, but not with this Ordinance, a building permit for such building or structure shall be issued. The permit shall be valid only if construction on such building or structure, in accord with said plans and specifications, is begun within 60 days after the date of issuance of the permit and completed within two years of the issuance of the permit.

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1.15.2 Expiration of Development Plans

Where no significant development activity (issuance of building permits, construction of improvements, recording of plat, etc.) has occurred for a period of five years following the final action on the project, development plans approved as part of a re-zoning, conditional use permit or other approval prior to the effective date of this Ordinance shall expire. Reversion based upon a failure to initiate significant development shall not occur without a subsequent public hearing. The Planning Commission may, in their sole discretion, extend such development plans for an additional period not to exceed two years, provided that the land owner intends to begin development within the two-year period. In the absence of such an extension, further development permits in reliance on the development plan shall require the approval of a new development plan in accordance with this Ordinance.

1.15.3 Platted Lots

Lots which received “preliminary plat approval” or were recorded by plat prior to the adoption of this ordinance, but which do not meet the adopted standards, shall be considered non-conforming lots of record and will be treated under the provisions of Article 6.

1.15.4 District Conversion Table

The District names in effect immediately prior to the effective date of this Ordinance are hereby converted as follows:

OLD	BASE DISTRICT	NEW	PAGE
A	Agriculture District	AG	4-4
RR	Rural Residential District	R-E, RR	4-6
R-1	Single Family Residential Districts - unsewered	R-E	4-6
R-1	Single Family Residential Districts - sewered	RS-1A	4-6
MH-R	Manufactured Housing Subdivision-Sewer	MHS	4-7
	Manufactured Housing Subdivision-Septic	RR	4-7
MH-P	Mobile Home Park	MHP	4-7
R-2	Two-Family Residential District	RM-2	4-22
R-3	Townhouse/Cluster Residential District	RM-3	4-22
R-4	Multifamily Residential District	RM-4	4-22
B-1	Neighborhood Business District	NB	4-33
B-2	General Business District	GB	4-33
B-3	Central Business District	CB	4-33
B-4	Highway Business District	HB	4-33
OP	Office/Professional	OP-R	4-33
P	Public District	P	4-33
I-1	Light Industrial District	LI	4-61
I-2	Heavy Industrial District	HI	4-61
Special Purpose Districts			
PURD, PSC	Planned Unit Residential Development	PUD	4-67
GFD	General Flood District	F	4-68
Overlay Districts			
---	Urban Growth Overlay District	UG	4-72
H, FSP	Local Historic District, Local Historic Site, or Conservation District	H/C	4-93
UD	University District	UD	4-94
---	Rural Village Overlay District	V	4-96

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The District names in effect in Smiths Grove immediately prior to the effective date of this Ordinance are hereby converted as follows:

Old	Base Districts	New	Page
Ag	Agriculture District	AG	4-4
R-1	Single Family Residential District	RS-1A	4-6
R-2	Two-Family Residential District	RM-2	4-22
R-3	Multi-Family Residential District	RM-3	4-22
C-1	General Commercial District	GB	4-33
C-2	Highway Commercial District	HB	4-33
I-1	Light Industrial District	LI	4-61
I-2	Heavy Industry District	HI	4-61
Public	Public District	P	4-33
F.H.	Flood Hazard District	F	4-68

Additional information for Smiths Grove Zoning Districts can be found in the Rural Village Overlay section on starting on page 4-95.

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