

ARTICLE 2 REVIEW BODIES

SEC. 2.1 CITY-COUNTY PLANNING COMMISSION AND STAFF

2.1.1 City-County Planning Commission

- A. Duties and Responsibilities.** The duties of the City-County Planning Commission (the “Planning Commission”) in regard to this Ordinance are established by KRS 100 and shall include the following:
1. Hold a public hearing in accordance with State statutes and make a recommendation to the appropriate governing body in regard to text or map amendments, including the designation of planned unit developments (PUD’s). The Planning Commission shall take action in compliance with the K.R.S. 100.213.
 2. Review and take final action on detailed development plans and the siting of cellular antenna towers.
 3. Hold a public hearing and take final action on variances and conditional use permits when concurrent with map amendments.
 4. Review and make a recommendation to the appropriate governing body in regard to designation of local historic landmarks.
 5. Hold a public hearing on proposed right-of-way closings.
- B. Membership.** The City-County Planning Commission shall consist of 12 citizen members. Four of the members shall be appointed by the Warren County Judge Executive, four by the Mayor of the City of Bowling Green, and one each by the Mayors of Oakland, Plum Springs, Smiths Grove and Woodburn, subject to the approval of the legislative bodies.
- C. Terms of Office.** The term of office shall be four years ending on June 30 of the designated year.
- D. Jurisdiction.** The area of jurisdiction of the City-County Planning Commission shall include all land within Warren County, including the cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, and Woodburn.

2.1.2 Executive Director

- A. Duties and Responsibilities.** The duties of the Executive Director (the “Director”), or designee, in regard to this Ordinance shall include the following:

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1. Make written interpretations of this Ordinance.
2. Serve as the Administrative Official per KRS 100.271.
3. Approve minor amendments to a PUD District.
4. Approve minor amendments to Detailed Development Plans.
5. Review building permits and certificates of occupancy (C.O.'s) for conformance with this Ordinance.
6. Enforce flood plain regulations:
 - a. Review of all development permits to assure that the permit requirements of Section 3.15, Special Procedures in Flood Plain District, have been satisfied.
 - b. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
 - c. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood proofed.
 - d. Make any necessary interpretation needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 3.6, Administrative Appeal.
 - e. When base flood elevation data or floodway data have not been provided in accordance with Sec.3.15, Special Procedures in Flood Plain District, then any base flood elevation and floodway data available from federal, state or other sources shall be reviewed and reasonably utilized.

SEC. 2.2 BOARD OF ADJUSTMENTS

2.2.1 Duties and Responsibilities

The board shall have powers, duties and responsibilities set forth in Kentucky Revised Statutes, Chapter 100, and as follows:

- A.** Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any administrative official in carrying out or enforcing any provision of this Ordinance;

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- B. To make interpretations of the Official Zoning Map;
- C. To take final action on conditional uses;
- D. To take final action on variances; and,
- E. Administer the non-conforming use regulations per KRS 100.253.

2.2.2 Membership

The joint City-County Board of Adjustments shall consist of 7 citizen members, all of whom shall be citizen members and no more than 2 members of whom may be citizen members of the Planning Commission. Three of the members shall be county members and the remaining 4 members shall be City of Bowling Green members. The Mayor of the City of Bowling Green shall appoint the city members and the County Judge Executive of Warren County shall appoint the county members subject to approval of the respective legislative bodies.

Any 5th or 6th class city which chooses to create and maintain a separate Board of Adjustments shall have 5 members appointed by the Mayor with the approval of the City Commission.

2.2.3 Terms of Office

The terms of office shall be 4 years ending on June 30 of the designated year. The term of all present members shall continue to be staggered as presently appointed. The Board of Adjustments shall otherwise be organized and operated in accordance with Kentucky Revised Statutes, 100.217.

2.2.4 Jurisdiction

The area of jurisdiction of the Board of Adjustments shall include all land within Warren County, provided, however, that each fifth- and sixth-class city may choose to have an additional board of adjustments as provided in Kentucky Revised Statutes, 100.217, whose jurisdiction shall be limited to that city's boundaries.

SEC. 2.3 BUILDING INSPECTOR

2.3.1 Duties and Responsibilities

The duties of the Building Inspector in regard to this Ordinance shall include the following:

- A. Enforce any applicable Building Code adopted by a member government.
- B. Ensure building permit compliance with the Zoning Ordinance.
- C. Take final action on all building permits and certificates of occupancy.

SEC. 2.4 CODE ENFORCEMENT

2.4.1 Code Enforcement Board

A. Duties and Responsibilities.

1. To adopt rules and regulations to govern its operations and the conduct of its hearings.
2. To conduct hearings to determine if there has been a violation of the Zoning Ordinance or Subdivision Regulations over which it has jurisdiction.
3. To subpoena alleged violators, witnesses and evidence to its hearings.
4. To take testimony under oath.
5. To make findings of fact and issue orders necessary to remedy any violation of the Zoning Ordinance and/or Subdivision Regulations which the Code Enforcement Board is authorized to enforce.
6. To impose civil fines as authorized on any person found to have violated the Zoning Ordinance and/or Subdivision Regulations over which the Code Enforcement Board has jurisdiction.

2.4.2 Code Enforcement Officer

A. Duties and Responsibilities. The provisions of this Zoning Ordinance shall be administered and enforced by the Building Inspector or the Code Enforcement Officer of any Legislative Body or the City-County Planning Commission, or any other person authorized by a Legislative Body or the City-County Planning Commission. Such enforcement personnel shall have the power to:

1. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance,
2. Issue citations for violations of this Zoning Ordinance in accordance to KRS 100.991 and the procedures as set forth in KRS 431.015; or
3. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board Ordinance and KRS 65.8801 through 65.8839 (Local Government Code Enforcement Board Act) for areas within the jurisdiction of any Legislative Body's Code Enforcement Board.

SEC. 2.5 HISTORIC PRESERVATION BOARD

2.5.1 Membership

The Preservation Board shall consist of 7 citizen members of which 5 shall be appointed by the Mayor of the City of Bowling Green subject to the approval of the City Commission and 2 shall be appointed by the Warren County Judge Executive with the approval of the Fiscal Court. The members shall have demonstrated interest in historic preservation, and at least 2 members shall have training or experience in a preservation-related profession, architecture, history, archeology, architectural history, construction, planning or related fields.

2.5.2 Powers and Duties of the Preservation Board

- A.** In addition to the powers and duties stated elsewhere, the Preservation Board shall take action necessary and appropriate to accomplish the purpose of this Ordinance. These actions may include, but are not limited to:
1. Conducting a survey of historic buildings and areas.
 2. Drafting a historic preservation element for use in the preparation of the Comprehensive Plan.
 3. Recommending the designation of local historic districts individual local historic sites and conservation districts.
 4. Regulating changes to designated property (including the issuance or denial of Certificates of Appropriateness).
 5. Recommending guidelines for changes to designated property.
 6. Working with and advising the federal, state and county governments and other parts of city government.
 7. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation.
 8. Initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs, including the preparation of publications and the placing of historic markers.
 9. The Preservation Board shall have the power to charge fees on applications for Certificates of Appropriateness submitted to the Preservation Board.

SEC. 2.6 UNIVERSITY DISTRICT REVIEW COMMITTEE

2.6.1 Purpose

The University District provides for a planned mix of residential dwelling types and other selected uses which are related to and which are located in close proximity to the main campus of Western Kentucky University.

2.6.2 Membership

The Review Committee shall be composed of seven members. The membership shall be composed of the following persons:

- A. One representative from the Bowling Green City Commission with the term of such representative being the same as their official tenure in office;
- B. One representative from City-County Planning Commission (who shall serve as Chairman) with the term of such representative being the same as their official tenure in office; and
- C. Five at-large representatives: one from the Campus Ministerial Association, one from a Greek Housing Corporation, two from the University District neighborhood and one University representative.

2.6.3 Terms of Office

The five at large representatives shall serve for a term of four years; provided; however, the term of office for the members first appointed shall be staggered so that a proportionate number shall serve one, two, three and four years respectively, and later appointments or reappointments shall continue the staggered pattern. All members including the representatives of the City Commission and the City-County Planning Commission shall be appointed by the Mayor of the City of Bowling Green, and approved by the Board of Commissioners of the City of Bowling Green. All members shall be allowed to serve successive terms. In the event of a vacancy in any term, then the person appointed to fill such vacancy shall serve the balance of the unexpired term.

2.6.4 Jurisdiction

The Review Committee shall have jurisdiction over university-related organizations only within those areas designated University District (UD) on the Official Zoning Map. Such organizations include, but are not limited to:

- A. Dormitories, fraternity/sorority houses, rooming/boarding houses or other residence halls; and
- B. Conference centers, student centers, and retreat houses operated by a religious or non-profit organization.

2.6.5 Staff

The City-County Planning Commission shall provide staff to the Review Committee.

SEC. 2.7 URBAN GROWTH DESIGN REVIEW BOARD

2.7.1 Purpose

The Urban Growth Design Review Board will provide technical oversight in the implementation of the development standards for any adopted Urban Growth Overlay District. The Board reviews Overlay Development Plans for proposals in adopted Urban Growth districts to determine compliance with the adopted development standards.

2.7.2 Membership

The Design Review Board shall be composed of 7 members, of which 3 shall be appointed by the Warren County Judge Executive with the approval of the Warren County Fiscal Court, and 3 shall be appointed by the Mayor of the City of Bowling Green with the approval of the Board of Commissioners, and 1 shall be jointly appointed by both the City and the County. A preference of two of the members shall be licensed, certified, or employed in the fields of architecture, landscape architecture, engineering, planning, or design.

2.7.3 Term of Office

Each member shall serve a staggered 2 year term.

2.7.4 Conflict of Interest

In the event that a member of the Design Review Board participates in the design, planning, ownership, or development in any manner of a property subject to the Board's review, the member shall be excused for that review and the Planning Commission Executive Director shall appoint an alternate member for review of that project.

SEC. 2.8 LEGISLATIVE BODY

2.8.1 Legislative Bodies

A. **Listed.** The following legislative bodies shall have jurisdiction under this Ordinance.

1. The Warren County Fiscal Court;
2. The Bowling Green Board of Commissioners;
3. The Oakland Board of Commissioners;
4. The Plum Springs Board of Commissioners;
5. The Smiths Grove Board of Commissioners; and
6. The Woodburn Board of Commissioners.

B. **Duties and Responsibilities.** The duties of the appropriate legislative bodies in regard to this Ordinance shall include the following:

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1. Take final action on any amendment of the text of this Ordinance or the Official Zoning Map, including designation of planned unit developments (PUD's).
2. Take final action on the designation of local historic districts or sites.
3. Appoint Board Membership as defined in Article 2 of this Zoning Ordinance.