

# ARTICLE 1

## GENERAL PROVISIONS

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### 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, as amended, original effective date of December 1, 2001, shall be in full force and effect after adoption by all legislative bodies.

### 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 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, City of Oakland, City of Plum Springs, City of Smiths Grove, City of Woodburn 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 affect 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.
- 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 2,000 Feet of Public Sewer**

- A. Development of land located within 2,000 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 single-family dwellings on residential lots of record and residential lots which received at least preliminary subdivision approval as of September 1, 2012 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. This provision will not apply to an existing single family residence currently served by an on-site septic system that is subdivided on at least an acre of land from a parent tract, located in the AG, RR or R-E zone, if sewer is currently available to the remaining portion(s) of the parent tract from which the residence is subdivided. Certification of such availability, including permission to connect any future residence(s) on the proposed lot(s) to such sewer line at that location, must be provided from the appropriate utility company before recordation of a plat.
  3. 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.

**1.12.2 Not Within 2,000 Feet of Public Sewer**

- A. Development of land greater than 2,000 feet from existing public sanitary sewer shall demonstrate 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 agriculture, single family residential or institutional 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 floodplains; AND a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable, or
  3. That it is a commercial use, located on at least one acre, and has at least 20,000 square feet of lot area outside of any drainage easements and/or floodplains, AND a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable, or
  4. That it is an industrial use, located on at least one acre, and has at least 20,000 square feet of lot area outside of any drainage easements and/or floodplains, AND a site evaluation by the Barren River District Health Department certifies that a conventional septic system is acceptable.

**1.12.3 Nonconforming Lots Not Within 2,000 Feet of Public Sewer**

- A. Development of land greater than 2,000 feet from existing public sanitary sewer located on a nonconforming lot of record must demonstrate the following:
1. That the proposed development is limited to agriculture or single family residential use, has at least 20,000 square feet of lot area outside of any drainage easements and/or floodplains 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 building permit, site work permit, public water lines shall be available to the site sufficient to meet the fire protection standards in accordance with:
- A.** All property located within the designated Bowling Green/ Warren County Urbanized Area: 600 gallons per minute at 20 pounds of residual pressure.
  - B.** All property located outside the designated Bowling Green/ Warren County Urbanized Area: 250 gallons per minute with 20 pounds of residual pressure for agriculture, rural residential and/or residential estate districts and 600 gallons per minute at 20 pounds of residual pressure for all other districts.
  - C.** In lieu of meeting these requirements, an alternative fire protection plan, prepared by a professional engineer meeting the appropriate specifications of NFPA 13, 13D, 13R, 750 and/or 1142, may be approved by the Warren County Public Works Director.
  - D.** At the time of the filing of any application for a site work permit or building permit, the Fire Protection requirements for agriculture, rural residential and residential estate districts in the Warren County unincorporated area may be waived, if proper documentation is recorded at the Warren County Courthouse, either by way of land use certificate or plat. The following note shall be included on such document: *“At the time of recordation of this document, the water provided to this property did not meet the Fire Control Standards of Warren County, as outlined in Section 1.13 of the Zoning Ordinance.”* Proof of documentation must be provided before a building permit will be issued.

**SEC. 1.14 SIGHT DISTANCE**

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 sight distance regulations of the applicable agency (KYTC, Bowling Green Public Works or Warren County Public Works).

**SEC. 1.15 TRANSITIONAL PROVISIONS**

**1.15.1 Plans Filed, Building Permits**

In any case where plans and specifications (including a recorded plat or site 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.

**1.15.2 Expiration of General or Site Development Plans**

Where no significant development activity (issuance of site work or 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. 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 may 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.

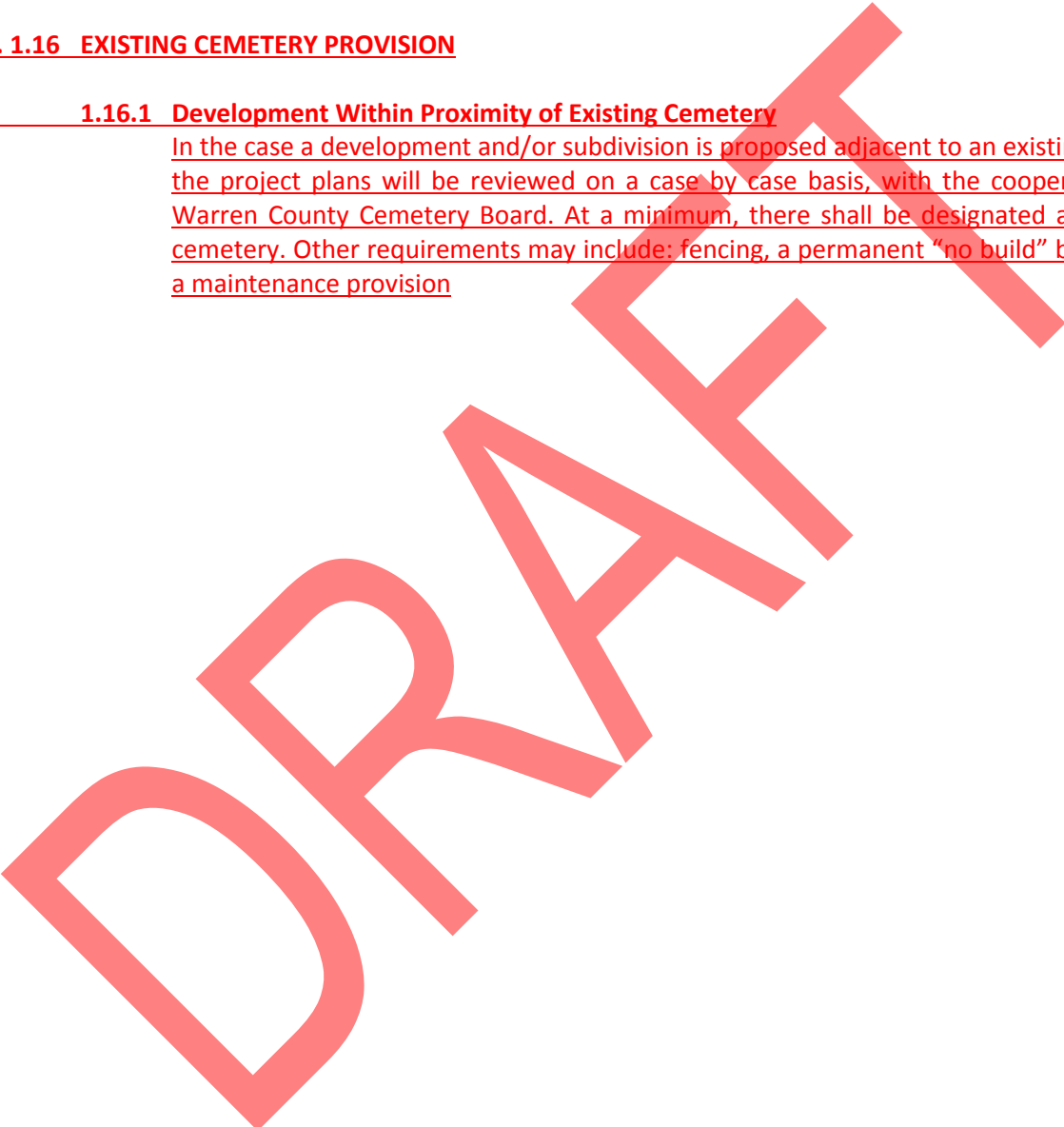
**1.15.4 Binding Element Conversion to Development Plan Conditions**

Any prior reference to Binding Elements is henceforth known as Development Plan Conditions and shall be treated as such, as outlined in this Ordinance.

**SEC. 1.16 EXISTING CEMETERY PROVISION**

**1.16.1 Development Within Proximity of Existing Cemetery**

In the case a development and/or subdivision is proposed adjacent to an existing cemetery, the project plans will be reviewed on a case by case basis, with the cooperation of the Warren County Cemetery Board. At a minimum, there shall be designated access to the cemetery. Other requirements may include: fencing, a permanent “no build” buffer and/or a maintenance provision



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