

ORDINANCE NO. **BG2024 - 7**

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 3, 4, 5, 6
AND 8 OF THE ZONING ORDINANCE FOR THE
CITY OF BOWLING GREEN, 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, by Ordinance No. BG2001-32, the City adopted the Zoning Ordinance prepared by the City-County Planning Commission and Duncan/Associates dated June 2001 to be effective on December 1, 2001; and,

WHEREAS, the Zoning Ordinance was amended by Ordinance No. BG2001-49 on November 20, 2001, Ordinance No. BG2002-20 on April 16, 2002, Ordinance No. BG2002-46 on September 17, 2002, Ordinance No. BG2003-18 on May 6, 2003, Ordinance No. BG2003-27 on June 3, 2003, Ordinance No. BG2003-46 on October 21, 2003, Ordinance No. BG2003-62 on December 2, 2003, Ordinance No. BG2004-60 on November 18, 2004, Ordinance No. BG2007-2 on January 16, 2007, Ordinance No. BG2007-35 on August 21, 2007, Ordinance No. BG2009-8 on April 7, 2009, Ordinance No. BG2009-9 on May 5, 2009, Ordinance No. BG2010-33 on October 5, 2010, Ordinance No. BG2011-12 on April 5, 2011, Ordinance No. BG2011-33 on August 2, 2011, Ordinance No. BG2012-1 on January 17, 2012, Ordinance No. BG2012-27 on September 4, 2012, Ordinance No. BG2012-31 on September 4, 2012, Ordinance No. BG2013-15 on June 18, 2013, Ordinance No. BG2015-6 on March 30, 2015, Ordinance No. BG2018-24 on June 5, 2018, Ordinance No. BG2019-43 on October 15, 2019, Ordinance No. BG2020-28 on October 20, 2020, Ordinance No. BG2021-12 on April 1, 2021, Ordinance No. BG2022-25 on July 19, 2022 and Ordinance No. BG2023-2 on February 21,

(Ordinance No. BG2024 - 7)

2023; and,

WHEREAS, the Planning Commission held a regular meeting on March 21, 2024, and with ten (10) of the allotted twelve (12) members of the Board present, by unanimous vote approved a recommendation to the Board of Commissioners to make amendments to Articles 3, 4, 5, 6 and 8 of the Zoning Ordinance; and,

WHEREAS, it is in the best interest of the City of Bowling Green to accept these recommendations and to amend the Zoning Ordinance, as amended.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, 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 Bowling Green in Ordinance No. BG2001-32 is hereby further amended to revise Articles 3, 4, 5, 6 and 8, copies of which are attached to and made a part of this Ordinance as if copied in full herein.

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

3. In the event 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

(Ordinance No. BG2024 - 7)

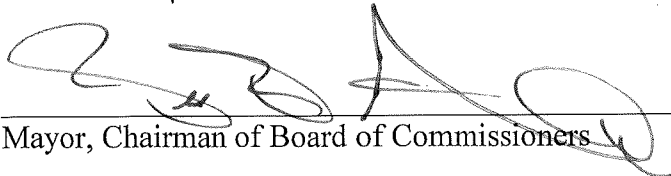
is clearly consistent with the express terms of the Zoning Ordinance.


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 16, 2024, and given final reading on May 7, 2024, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: May 7, 2024

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager

SUMMARY OF PROPOSED AMENDMENTS – FEBRUARY 8, 2024

New Amendments as of March 11, 2024 are noted in BLUE

ARTICLE 1

- No Changes proposed.

ARTICLE 2

- No changes proposed.

ARTICLE 3

- Amended published notice requirements, to allow flexibility for online advertising (pg. 3-2).
- Amended approval and disapproval processes for Overlay Development Plan applications, to reflect current practice of the Design Review Board (pg. 3-40).

ARTICLE 4

- Distinguished between TYPE 1 and TYPE 2 Manufactured Homes (also see Article 8 amendments) and permitted zones for each type (pg. 4-4, 4-6 and 4-7).
- Amended provisions for freight containers as permitted residential unit types and accessory buildings/structures (pg. 4-4, 4-6, 4-12, 4-22, 4-27, 4-54 and 4-61).
- Clarified applicable development standards for AG-zoned property less than 2 acres in size (pg. 4-5).
- Clarified swimming pool requirements for through lots and swimming pool requirements in commercial zones (pg. 4-6, 4-13 and 4-54).
- Clarified setback requirements for driveways and parking areas in single family and multi-family residential zoning districts (pg. 4-11 and 4-26).
- Added flexibility for parking areas located in front of townhomes (pg. 4-16, 4-17 and 4-29).
- Clarified applicable development standards for townhomes in multi-family residential zones (pg. 4-22 and 4-29).
- Added flexibility for residential development signage for multi-family zones in the downtown area (pg. 4-27).
- Added an option for CB zoning in the Cities of Oakland, Smiths Grove and Woodburn. Also imposed a maximum building height of 3 stories for CB zoning in these areas (pg. 4-30 and 4-31).
- Clarified accessory structure setbacks for commercial zones, when located adjacent to a single family residential use (pg. 4-31).
- Removed permitting exemption for pedestrian and motor vehicle control signs (pg. 4-42).
- Added flexibility for sign illumination certification (pg. 4-42).
- Added flexibility for canopy signage in commercial and industrial zones (pg. 4-43).
- Added flexibility for consolidated development signage for commercial, mixed-use and industrial properties (pg. 4-46 and 4-47).
- Removed prohibition of Electronic Message Display (EMD) signs on Billboard Advertising Signs (pg. 4-49).
- Added specific use standards for EMDs on Billboard Advertising Signs, including dimming capabilities, minimum display time, permitted transition methods, sign malfunction requirements and light shielding standards when located in proximity to a residential use (pg. 4-50).
- Clarified requirements for outdoor storage and display in commercial and industrial zones (pg. 4-51, 4-52, 4-53, 4-59 and 4-60).
- Added flexibility for freight containers utilized for outdoor storage in commercial and industrial zones (pg. 4-53 and 4-61).
- Clarified permitted outdoor storage and display types in the Cemetery Road and Lovers Lane Overlay Districts. This includes prohibiting Outdoor Display (except Type 1) in the Cemetery Road Overlay District (pg. 4-69 and 4-70).
- Allowed flexibility for self-service storage uses in the Lovers Lane Overlay District (pg. 4-70).
- Added a prohibition on the sale of medical cannabis in the Cemetery Road and Lovers Lane Overlay Districts (pg. 4-69 and 4-70).

- Clarified wall signage requirements for the Cemetery Road Overlay District (pg. 4-76).
- Removed signage restrictions for the Cemetery Road and Lovers Lane Overlay Districts relating to outdated standards and terms no longer included in the current zoning ordinance (pg. 4-76 and 4-83).
- Allowed flexibility for wall signage in the Lovers Lane Overlay District (pg. 4-82).
- Added a prohibition on the sale of medical cannabis in all Local Historic Districts (pg. 4-86).

ARTICLE 5

- Added new use categories for the sale, manufacturing, production and growing of medical cannabis (pg. 5-4 and 5-5).
- Clarified minimum acreage requirement for RV Parks (pg. 5-19).
- Clarified Active Outdoor Recreation and Entertainment Uses, and scenarios where similar uses are classified as Parks and Open Space (pg. 5-22).
- Clarified that animal grooming and training uses are classified as personal service-oriented retail, unless otherwise defined as a Commercial Kennel (pg. 5-24).
- Added flexibility for veterinarian clinics, animal hospitals, grooming facilities and training facilities, in proximity to residential districts, structures or uses, where outdoor areas and boarding facilities are limited (pg. 5-24 and 5-25).
- Clarified screening requirements for self-service storage uses (pg. 5-26 and 5-27).
- Added specific use standards for the sale of medical cannabis (pg. 5-26).
- Added clarification for use of freight containers for self-service storage facilities (pg. 5-27).
- Added flexibility for EV charging stations in NB and GB zoning districts (pg. 5-28).
- Added specific use standards for the manufacturing or production of medical cannabis (pg. 5-30).
- Added specific use standards for the production/growing of medical cannabis (pg. 5-37).

ARTICLE 6

- Clarified permitted uses for nonconforming lots of record (pg. 6-3).

ARTICLE 7

- No changes proposed

ARTICLE 8

- Simplified definitions for ACCESSORY BUILDING, ACCESSORY STRUCTURE and PRINCIPAL STRUCTURE because these terms are already addressed in Article 4 (pg. 8-1 and 8-13).
- Added definition for DORMER (pg. 8-6).
- Added definition for HALF STORY (pg. 8-8).
- Amended definitions for MANUFACTURED HOMES and MOBILE HOMES. Added two new definitions for TYPE 1 and TYPE 2 MANUFACTURED HOMES (pg. 8-10 and 8-11).
- Amended and clarified definition for MONUMENT SIGN and added a visual example to go with the new definition (pg. 8-15).
- Clarified definition for WALL or BUILDNG SIGN (pg. 8-17).

APPENDIX A

- No changes proposed

APPENDIX B

- No changes proposed