

ORDINANCE NO. **BG2020 - 28**

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLE 5, SECTIONS
5.1 (USE TABLE) AND 5.2 (USE CATEGORIES) 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 and Ordinance No. BG2019-43 on October 15, 2019; and,

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WHEREAS, the City of Bowling Green has previously adopted the “Warren County Zoning Ordinance” (“Zoning Ordinance”) as permanent land use regulations, including zoning and growth management regulations.

WHEREAS, the Planning Commission held a special meeting via video teleconference on July 16, 2020, and with eleven (11) members present, by unanimous vote approved a recommendation to the Board of Commissioners to make amendments to Article 5 of the Zoning Ordinance; and,

WHEREAS, the Board of Commissioners is recommending approval to amend Article 5, Section 5.1 of its Use Table under use category “Commercial/Retail Sales and Services,” and there shall be a new specific use type entitled “Personal Service – Oriented” and the amended Use Table shall now read:

AG (Agriculture)	RR (Rural Residential) (county only)	R-E (Residential Estate)	RS-1 (Single Family Residential)	RM-2 (Two Family Residential)	RM-3 (Multi-Family Residential)	RM-4 (Multi-Family Residential)	MHP (Mobile Home Park)	P (Public)	NB (Neighborhood Business)	GB (General Business)	CB (Central Business)	HB (Highway Business)	OP-R (Office/Professional – Residential)	OP-C (Office/Professional – Commercial)	LI (Light Industrial)	HI (Heavy Industrial)	
Use Category / Definition Excerpt (See Sec. 5.2)	Specific Use Type	A G	RR and RE	R S 1	R M 2	R M 3	R M 4	M H P	P	N B	G B	C B	H B	O P R	O P C	L I	H I
P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																	

Retail Sales and Service (pg. 5-23) Firms involved in the sale, lease or rental of new or used products to the general public...they may also provide personal services or entertainment or provide product repair or services for consumer and business goods Retail Sales and Service (Continued)	Animal Hospital, Commercial Kennel or Veterinarian (5-24)	C*										C*		P*			P*	
	Adult Entertainment (5-24)																P*	
	Commercial Greenhouse or Nursery (5-25)	C*								P*		P*	P*	P*			P*	P*
	Retail Up to 4,000 s.f. (5-25)							C*				P	P	P	P			P
	Retail 4,001 s.f. to 10,000 s.f.												P	P	P			P
	Retail Greater Than 10,000 s.f.													P	P			P
	Personal Service-Oriented										P	P	P	P	C	P		

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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 September 15, 2020, and given final reading on October 20, 2020, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: October 20, 2020

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager