

ORDINANCE NO. **BG2022 - 25**

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2, 3 AND 4
AND APPENDIX A 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 and Ordinance No. BG2021-12 on April 1,

2021; and,

WHEREAS, the Planning Commission held a regular meeting on May 19, 2022, and with nine (9) 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 2, 3 and 4 and Appendix A of the Zoning Ordinance; and,

WHEREAS, the Zoning Ordinance proposed amendments are a result of the damage sustained to homes and properties in the Nutwood/Magnolia area during the tornado event on December 11, 2021, and includes a new Nutwood/Magnolia Overlay District; 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 2, 3 and 4 and Appendix A, 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 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 June 21, 2022, and given final reading on July 19, 2022, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: July 19, 2022

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager

EXHIBIT H

NUTWOOD/MAGNOLIA OVERLAY DISTRICT

SEE SECTION 4.9.7

