

# ARTICLE 2

## REVIEW BODIES

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### 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 Kentucky Revised Statutes (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.~~ Review and take final action on Future Land Use Map Amendments.

~~2.4.~~ Review and take final action on applications for applicable items from the Subdivision Regulations and Zoning Ordinance.

~~3.5.~~ Hold a public hearing and take final action on variances, waivers and conditional use permits when concurrent with map amendments.

~~4.6.~~ Review and make a recommendation to the appropriate governing body in regard to designation of local historic landmarks.

~~5.7.~~ Hold a public hearing on proposed City right-of-way closings.

B. **Membership, Terms of Office, and Governance.** The City-County Planning Commission shall consist of membership and terms of office as outlined in the Amended & Restated Joint Agreement for the City-County Planning Commission of Warren County and shall be governed by adopted By-Laws.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, 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.~~

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**D.C. 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:

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 site work permits, site development plans, building permits, subdivisions and applications/certificates of occupancy (C.O.'s) certificates of completion for conformance with this Ordinance.
6. Review of all development permits to assure that the permit requirements of Section 3.4516, Special Procedures in Flood Plain District, have been satisfied.

**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;
- B.** To take final action on conditional uses;
- C.** To take final action on variances;
- G.D.** To take final action on waivers, and,
- D.E.** Administer the non-conforming use regulations per KRS 100.253.

**2.2.2 Membership, Terms of Office, and Governance.**

~~The joint City-County Board of Adjustments shall consist of membership and terms of office as outlined in the Amended & Restated Joint Agreement for the City-County Planning Commission of Warren County and shall be governed by adopted By-Laws. 7 citizen members, all of whom shall be citizen members. 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.~~

~~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.

**2.2.3 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. Review building permits and certificates of occupancy (C.O.'s) for conformance with this Ordinance.
- C. Ensure site work permit and building permit compliance with the Zoning Ordinance.
- D. Take final action on all site work permits, building permits, and certificates of occupancy and certificates of completion.

**SEC. 2.4 CODE ENFORCEMENT**

**2.4.1 Legislative Body Code Enforcement Board**

**A. Duties and Responsibilities.**

- 1. To adopt rules and regulations to govern its operations and the conduct of its hearings.

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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.** As outlined in the Amended and Restated Joint Agreement for the City-County Planning Commission of Warren County. 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 for areas within the jurisdiction of any Legislative Body's Code Enforcement Board.

**SEC. 2.5 COMPREHENSIVE DEVELOPMENT REVIEW (CDR) COMMITTEE**

**2.5.1 Membership**

The Comprehensive Development Review Committee shall consist of staff from the Planning Commission, Warren County, the City of Bowling Green along with the appropriate utility companies and sister agencies necessary to properly review development in Warren County as determined by department heads or directors of each agency.

**2.5.2 Duties & Responsibilities**

- A. Conduct reviews of Development Plans as outlined in Section 3.12 of this Zoning Ordinance.
- B. Recommend development plan changes or conditions that help achieve compliance with state statues, local ordinances, and/or the improvement of public facilities.
- C. Recommend approval or denial of Site Development Plans to the Planning Commission staff.

**SEC. 2.56 HISTORIC PRESERVATION BOARD**

**2.56.1 Membership**

The Preservation Board shall consist of 5 citizen members which shall be appointed by the Mayor of the City of Bowling Green subject to the approval Board of Commissioners. 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.

**2.6.2 Powers and Duties of the Preservation Board**

- A. Jurisdiction.** The area of jurisdiction of the Preservation Board shall include all land within the cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, and Woodburn.
- B. 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. Review staff initiated surveys of historic buildings and areas.
  - 2. Reviewing the Natural and Cultural Resources Element 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 Historic Overlay Standards for changes to designated property.

**SEC. 2.67 UNIVERSITY DISTRICT REVIEW COMMITTEE**

**2.7.1 Membership**

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

- A. One representative from the City of Bowling Green who shall be appointed by the Bowling Green City Commission;
- 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: three (3) representatives from neighborhoods that surround or include the University District, one representative from a Greek Housing Corporation, and one University representative. For the purpose of this Section, "surround" shall mean those areas located within a ½ mile of the University District Boundary.

**2.7.2 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.

**2.7.3 Jurisdiction**

The Review Committee shall have jurisdiction over university-related organizations only within those areas designated University District (UD) on the Official Zoning Map.

**SEC. 2.78 URBAN GROWTH DESIGN REVIEW BOARD**

**2.8.1 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.

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**2.8.2 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 4 shall be appointed by the Mayor of the City of Bowling Green with the approval of the Board of Commissioners. A preference of two of the members shall be licensed, certified, or employed in the fields of architecture, landscape architecture, engineering, planning, or design.

**2.8.3 Term of Office**

Each member shall serve a staggered 2 year term.

**2.8.4 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.

**SEC. 2.89 LEGISLATIVE BODY**

**2.89.1 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:

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.